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ABSTRACT

This is one of two volumes that present a comprehensive record of testimony and exhibits presented to a subcommittee of the Committee on the Judiciary of the U.S. Senate during hearings on the problem of violence and vandalism in American schools. This volume summarizes a hearing conducted on September 17, 1975, that focused specifically on models and strategies for change that might be useful in attacking the problem of school violence and vandalism. Included are testimony and exhibits presented by representatives of the Children's Defense Fund, the National Congress of Parents and Teachers, the National Committee for Citizens in Education, the New York Civil Liberties Union Student Rights Project, and by Robert E. Phay, professor of Public Law and Government at the University of North Carolina. The appendix contains numerous newspaper and magazine articles and excerpts from other publications dealing with school violence and vandalism, as well as a variety of other supplemental material and statements. (JG)

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SCHOOL VIOLENCE AND VANDALISM

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HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

Pursuant to S. Res. 72, Section 12

INVESTIGATION OF JUVENILE DELINQUENCY IN THE UNITED STATES

MODELS AND STRATEGIES FOR CHANGE

SEPTEMBER 17, 1975

Printed for the use of the Committee on the Judiciary

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SCHOOL VIOLENCE AND VANDALISM

Models and Strategies for Change

WEDNESDAY, SEPTEMBER 17, 1975

U.S. SENATE,
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee (composed of Senators Bayh, Hart, Burdick, Kennedy, Mathias, Hruska, and Fong) met, pursuant to notice, at 10 a.m., in room 2228, Dirksen Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present: Senator Bayh.

Also present: John M. Rector, staff director and chief counsel; Mary Kaaren Jolly, editorial director and chief clerk; Kevin O. Faley, assistant counsel; and Kathy Brown, Janelle Sherfy, Vicki Smith, staff assistants.

Senator BAYH. We will convene our hearing this morning.

The subcommittee's enabling resolution, S. Res. 72, section 12, 94th Congress, is hereby noted for the record.

OPENING STATEMENT OF SENATOR BIRCH BAYH, CHAIRMAN

Senator BAYH. Today the Subcommittee To Investigate Juvenile Delinquency will hold the third in a series of hearings on a topic of great concern to those involved with the future of our young people—the problems of violence and vandalism in our elementary and secondary schools. This hearing marks the start of the second phase of our inquiry in which we will be exploring some of the underlying causes of, and possible solutions for, these staggering problems.

In April of this year I released the subcommittee's preliminary report entitled "Our Nation's Schools—A Report Card: 'A' in School Violence and Vandalism" which outlined the extent of these problems as revealed by a nationwide survey of 757 school districts encompassing over half of the public elementary and secondary students in the country. Following the release of our report, the subcommittee held 2 days of hearings designed to more fully determine the nature and extent of these problems. We heard over 20 witnesses from schools located in large cities, small rural towns, and affluent suburban communities. These witnesses include superintendents of schools, representatives of teacher, administrator and school security organizations, practicing teachers, and students. The picture of violence and vandalism in our schools presented by their testimony is indeed a sad and frightening one.

The superintendent of schools for Los Angeles, for example, told us that the problem of violence and vandalism in schools, "is reaching a point where it truly threatens the viability of our educational program." In Chicago, the public school system is required to spent $10 million annually as a result of vandalism to school property. If this same amount of money could be diverted from crime prevention and devoted to educational programs, as they were originally intended, Chicago could provide almost 1,000 additional teachers for its schoolchildren without any increase in its budget.

It is important to understand, however, that these problems are in no way unique to large inner city school districts. The school security director of a suburban Maryland district told us that losses from vandalism at the end of the last school year in that district exceeded $600,000, and the number of assaults on teachers and students had increased by 62 percent and 53 percent respectively over the previous year. During the month of January alone in that district, there were 14 assaults on teachers and 116 on students, 11 of which involved some type of weapon. A school official from an affluent suburb of Seattle, Wash., told us of several acts of arson on school property in his district, including the total destruction of a high school library by three students at a cost of over $1 million. Partially because of the impact of this and other acts of vandalism, the loss of property per student in that district at the close of the last school year will exceed $50.

SCHOOL VANDALISM COSTS $600 MILLION YEARLY

On a national level we are currently spending almost $600 million per year as a result of vandalism to our schools. This amounts to a vandalism tax of approximately $13 levied on every American public school student for repair and prevention of school property rather than on positive educational efforts.

Disturbing as these facts may be, however, the overall impact of violence and vandalism on our educational system cannot be adequately conveyed by a dry recitation of the number of assaults committed and the dollars wasted. Although these problems affect everyone involved in education including the parents who financially support and send their children to these schools and the teachers who educate them, the principal victims are the children themselves. It is impossible to calculate how many eager young students have had their enthusiasm for learning dampened or irreparably destroyed by this atmosphere in our schools. At the very least, it represents a staggering loss of potential at a time when our country faces great challenges requiring wise solutions by a well-educated citizenry.

I firmly believe that if public education is to continue to provide the essential role it is called upon to play in our society, our schools must have the ability to effectively confront and control the growing number of incidents of violence and vandalism within these institutions. Some time ago, therefore, I introduced the Juvenile Delinquency in the Schools Act of 1975 as an amendment to the Juvenile Justice and Delinquency Prevention Act. Although some aspects of the problems of school violence and vandalism are already addressed by the Juvenile Justice Act, this extensive amendment is designed to expand

and more specifically address this particularly crucial aspect of the delinquency problem.

I must emphasize, however, that I do not believe there is any "Federal" solution to problems such as these. Nor can we simply rely on Government to provide us with the answers. Rather, these are problems which will require a partnership of private citizens along with local, State, and Federal governments to pool our experiences and resources in order that we may help students, teachers, parents, and administrators secure the type of atmosphere in our schools in which education can best take place. Today's hearing marks the beginning of that process.

CONTINUANCE OF EFFORTS ON CAUSES AND SOLUTIONS

In future hearings we will continue to concentrate our efforts on identifying some of the causes of, and possible solutions for, these problems. In some school districts around the country, for example, schools are successfully confronting certain aspects of violence and vandalism through alternative education programs designed to assist students experiencing educational, as well as disciplinary, difficulties. We intend to examine these programs and the practicality of their use in other school districts. We also intend to explore the growth of highly organized, but youthful violent gangs which have become a severe problem within some school districts.

In addition to these topics, we are studying other aspects of both the causes and cures for this epidemic of violence, including the increasing abuse of alcohol and drugs by students, and the applicability of architecturally innovative designs to reduce the costs of both intentional and accidental destruction of school property.

This morning we will be concentrating on two areas of vital interest to those who are seeking strategies for making our schools safer and more conducive to education—parental involvement in schools as a constructive approach to the problems of violence and vandalism, and the entire area of student rights and responsibilities, including suspensions, expulsions, and student codes.

Both the National Congress of Parents and Teachers and the National Committee for Citizens in Education have been actively engaged in the crucial issues facing education for some time, and few are more crucial today than a safe and secure learning environment. These organizations represent an essential, but all too often overlooked, element of parental involvement in our educational system. It is apparent that we will make progress toward the solution of these problems only when we achieve active participation by all elements of the school community in our efforts, and I look forward to hearing the testimony and recommendations of these parent groups.

STUDENT RIGHTS AND RESPONSIBILITIES

In addition, we will be exploring the entire area of student rights and responsibilities which is so essential to a fair and proper administration of school discipline. Last year, the Children's Defense Fund released its comprehensive report on "Children Out of School in

America." That report found that nearly 2 million American school-age youngsters were not enrolled in schools for various reasons, and that many students were involuntarily excluded from schools through suspensions and expulsions.

Today, Marian Wright Edelman, the director of the Children's Defense Fund, will testify on a study just completed by that group which specifically addresses the issues of suspensions from schools and the manner in which they are carried out. I am particularly interested in the report's conclusions that the use of suspensions in public schools has reached disturbing proportions. The study found, for example, that 1 in every 24 children enrolled in the school districts surveyed was suspended at least once in the 1972–73 school year. At the secondary school level, that number rose to 1 in every 13 students. It is especially disturbing that over a quarter of these suspensions were for relatively trivial offenses, such as truancy or tardiness. While the need for excluding certain students who pose a threat to the physical safety of classmates or staff members is evident, there are serious questions whether the extent to which some school systems use exclusion as a disciplinary tool is beneficial to overall order and discipline or actually detracts from it.

Over the course of our hearings, we have often heard that a great number of incidents involving school violence and vanadalism are caused by school-age intruders who are not presently enrolled in school. It is clear that a school policy which relies on the ultimate disciplinary tool of exclusion for students involved with minor behaviorial problems is one which causes more problems than it solves. We cannot treat troublesome youngsters by throwing them out on the street. Accordingly, the subcommittee will be giving special attention to the report's recommendation for alternative disciplinary measures which can be used to maintain order, but which do not remove children from school and thereby effectively make an already difficult situation dramatically worse.

We will also be talking with Mr. Alan Levine of the American Civil Liberties Union Student Rights Project and Mr. Robert Phay of the University of North Carolina. Both of these witnesses will be discussing the proper scope of day-to-day discipline in our schools and the positive role codes of conduct, drawn up with the participation and cooperation of students, teachers, parents and administrators, can play in insuring fair, but effective, discipline.

I am certain the witnesses we will be hearing from today will provide us with valuable insights into these problems and constructive suggestions to reduce them. I look forward to an informative session.

Basically, if we are to make our educational institutions into what we would like them to be—a setting of learning, increased opportunities for the next generation of American adults and leaders—we have to come to grips with the very negative impact that this problem has on the environment of learning.

We are fortunate to have a most appropriate witness to open this stage of our hearings. Marian Wright Edelman, the director of the Children's Defense Fund, is well known to this chairman. I think there are few people in America who could better fill the role of lead-off witness as we start the second phase of our hearings.

Mrs. Edelman, you may proceed as you see fit.

STATEMENT OF MARIAN WRIGHT EDELMAN, DIRECTOR, CHILDREN'S DEFENSE FUND, WASHINGTON RESEARCH PROJECT, INC., CAMBRIDGE, MASS.

Mrs. Edelman. Chairman Bayh and members of the subcommittee, I am Marian Wright Edelman, and I am here today, thanks to your invitation, to testify on behalf of the Children's Defense Fund of the Washington Research Project, Inc., a nonprofit, national organization created in 1973 to provide long-range and systematic advocacy on behalf of the Nation's children. We are staffed with researchers, lawyers, Federal policy monitors, and community liaison people working on a range of issues affecting the lives of our youngest citizens, including education, juvenile justice, health care, school recordkeeping, and child development services.

One of our main areas of concern has been children's right to an education. Since 49 States and the District of Columbia make education compulsory, and since schooling—or at least the credentials schooling confers upon children—is so important a ticket to participate fully in the economic and democratic processes in this country, we believe that no child ought to be deprived of the chance to get the skills and certificates schooling provides.

It came to our attention, at the Children's Defense Fund, that many children were denied the benefits of an education by a variety of school mechanisms of exclusion. In 1973, we analyzed U.S. census data on nonenrollment, conducted our own survey of over 6,500 families in nine States and the District of Columbia, and interviewed more than 300 school officials and community leaders. We published those results last December in "Children Out of School in America."

The report states that at least 2 million children, between 6 and 17 years of age, who should have been in school were, in large part, excluded from attendance by several major factors. One of these was school disciplinary policies and practices, particularly the widespread use of suspensions. We found that 11 percent of the children out of school in our survey were out because they had been suspended or expelled.

After that report came out, we received numerous letters from parents whose children had been suspended or expelled from school and from groups concerned with school discipline policies and practices in their communities. We also received a lot of letters from principals, teachers, and school-board members, asking what should be the response of school to "disruptive" students who make it difficult to teach and learn. The recent Supreme Court decisions [1] in *Goss* v. *Lopez* and *Wood* v. *Strickland* have intensified this discussion of the rights and responsibilities of all parties concerned with a student's suspension from school.

REPORT ON SCHOOL SUSPENSION

In response to this concern, we undertook further research on the the topic of school discipline. We obtained and analyzed suspension data submitted to HEW's Office for Civil Rights [OCR] by 2,862 school districts enrolling 24,188,681 children. These data account for over 53 percent of all children and 86 percent of all minority children enrolled in the Nation's public schools during the 1972–73 school year. We also interviewed teachers, principals, school administrators, and community organizations concerned with the school discipline problem to see what the realities of discipline were in the schools and if there were alternative measures which could be used to discipline children and yet not remove them from school.

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[1] See Appendix, Part 3.

The results of this subsequent investigation were released yesterday in a report entitled "School Suspensions: Are They Helping Children?" I would like to share with this subcommittee some of our findings and conclusions because I think they have a direct bearing on your own inquiries into the causes of and remedies for the violence and vandalism found in our public schools.

Senator BAYH. Your initial report included data used as source material for the report previously issued by this committee on the extent of the violence and vandalism in our schools. I want to compliment you for its thoroughness. We appreciated the opportunity to utilize it in our preliminary report.

I have only had a chance to scan the study to which you refer to as being released today. I found it very informative and am eager to review it more thoroughly.

Mrs. EDELMAN. Thank you, Mr. Chairman.

We have found that suspensions and violence against persons and destruction of property have, unfortunately, all become confused and joined in the public's image of what is wrong with our schools. I believe we must separate each and analyze the facts before we call for reform.

KEY FINDINGS

First, in our study we found that an astounding number of children were suspended from school in the 1972–73 school year. More than 1 million children were suspended for over 4 million school-days, or 22,000 school-years. Fifteen States reported suspending over 30,000 children each. California alone reported suspending 142,000 schoolchildren—even though Los Angeles reported none, which we don't believe.

Even these numbers understate the problem of children being excluded from school for disciplinary reasons, for they leave out all of those who were expelled—and there were 37,000 expelled children reported to OCR in 1972–73—those who were sent home under euphemisms such as cooling-off periods or temporary dismissal and thus not reported as "suspended" to OCR. These figures also fail to include children who dropped out of school, but for whom the triggering incident in the decision to leave school permanently was a suspension.

OCR data further underestimated the suspension problem because: (1) not all school districts were included in their survey; (2) many school districts in the survey failed to report suspensions either at all or accurately; and (3) only the numbers of pupils suspended at least once were counted. Our own survey showed that 40 percent of suspended students had been suspended two or more times, and 24 percent were suspended three or more times.

We found that these disciplinary exclusions are commonly used—almost a knee-jerk reaction—by school officials to children who pose problems because they are different in any number of ways.

Second, we found that the vast majority of suspensions were for nonviolent, nondangerous offenses. In our survey, 63.4 percent of all suspensions were for nondangerous offenses; 25 percent were for truancy or tardiness. Similar patterns emerged as we got the suspension records of other schools or districts. In the secondary schools in Portland, Maine, 85 percent of all suspensions in the two senior high schools were for truancy and tardiness during the 1973–74 school year.

Senator BAYH. Eighty-five percent?

Mrs. EDELMAN. Eighty-five percent. We have listed the suspension reports for your information because they are edifying to read; when you have time to look and read the list why principals are suspending children, you will find that most of them are attendance related, or victimless offenses.

Senator BAYH. In other words, the way to get a child who won't go to school to go to school, is to suspend the child!!!

Mrs. EDELMAN. That seems to be the common practice throughout school districts in America, Mr. Chairman.

Portland school officials are now aware of this and are trying to correct the situation; they are going to be trying to see if they can run the schools without suspending children for truancy and tardiness, and we are grateful for that.

But absenteeism headed the list of reasons for suspension during designated school years cited in our report in such diverse school districts as San Francisco, Calif., Prince Georges County, Md., Columbia, S.C., Nashville, Tenn., and DeKalb County, Ga.

In our survey, 36.6 percent of suspensions were for fighting, but only 1.6 percent were for fights with teachers or other school personnel; the rest were ordinary student-to-student scuffles.

Less than 3 percent of all the students in our survey who were suspended were out for destruction of property, the use of drugs, or alcohol or other criminal activity.

Our third major finding was while no group of children is immune from suspensions, they impact disproportionally on children who are black, older, poor, and male. While 120,000 elementary schoolchildren were suspended, nine times as many secondary students were suspended. Blacks were suspended at twice the rate of any other racial group. Twenty school districts reported suspending one-third to one-half of their black enrollment; one district suspended 64 percent of its black students; another 53 percent.

Some may claim that higher suspension rates for black children simply reflect greater misbehavior on the part of black students—we disagree with that. We have found what black parents, children, and civil rights groups have charged for years: that there is racial discrimination and insensitivity in the use of disciplinary sanctions. The director of OCR, Peter Holmes, has commented that—just a cursory examination of our data suggests the probability of widespread discrimination in the application of disciplinary sanctions. We too found that black children were more likely than whites to be suspended if both had committed the same offense and that some offenses could only have the effect of disproportionate suspension of black youngsters. For example, carrying a metal pick used to comb Afro hairstyles or wearing a headscarf are among the suspendable offenses we found in some districts.

Fourth, we have found that suspensions were not necessary to maintain order or to discipline youngsters in the majority of cases. We found a number of teachers and principals who did not resort to disciplinary exclusions and who ran their classes and schools well. Interviews with some of them are included in our report. There were a number of alternative measures which could be called upon instead of suspension and we discuss some of them in our report. We found that:

> A variety of responses currently exist in school systems across the country which provide a range of alternatives to suspension for both school and student. It is not that schools do not know or cannot learn from others what to do instead of suspending students. It is that school officials need to decide first that they want to use an alternative.

SUSPENSION AND JUVENILE DELINQUENCY

What troubled us as we collected our evidence and talked to people across the country was that although it was commonly used, suspension seemed to solve very little. It did not get to the root of the problems causing misbehavior, nor did it set up diagnostic or treatment programs to deal with children's problems.

Often, suspension does positive harm to children by: (1) causing marginal students to fail academically because of schoolwork missed; (2) causing permanent school leaving; (3) generally labeling students as troublemakers, setting up a presumption of guilt in their records and in teacher's expectations about their behavior; (4) denying children the educational and other services they need; and (5) encouraging, we feel, the growth of juvenile delinquency.

Evidence for this last point comes from both our investigation of school practices, from our discussion with parents and suspended children and from our interviews with various juvenile justice officials in a number of States. We talked to officials in the Massachusetts Department of Youth Services, and they all agreed that it was schools' failure to deal effectively with the problems their students exhibited, which often exacerbated children's problems and led to court-related trouble. For example, one official told us that—

> 98 percent of our children were involved in school problems, nearly all have had trouble in school before we get them.

Many administrators see the public schools as serving the majority of children, and encourage nonconforming children to go elsewhere—or are certainly ready to have them disappear—as long as they keep out of their schools. One school official said to us—

> The feeling in the system is that you can't help these people, but you can. The thinking process can be changed. Kids must be made to feel that they are worthwhile. Teachers can't continue to say, I don't have time.

Children under the supervision of the Department of Youth Services in Massachusetts whom we interviewed revealed that over 80 percent of them had been expelled or suspended before they got into trouble with the law, many of them repeatedly. Two of them said to us—

> I forgot how many times I was suspended in the seventh and eighth grades. They'd ask for my story, but they'd always believe the teacher. They'd say, take a few days vacation.

Another said—

> The principal said "don't bring him back, we don't want him here." They didn't give any reason whatsoever.

A highly placed Massachusetts Department of Youth Services official remarked—

> The good schools don't like our kids, and the bad ones we don't like. We find that if we take our kids and place them in Boston public schools, if we leave them off at 8, they are expelled by 8:30, before school even starts.

Suspending children leaves them to their own devices, at home or on the streets, often without any supervision or guidance. Parents in every district we visited expressed grave concern for children hanging around the streets idly. Schools whose primary constituency is supposed to be children, by shedding themselves of the difficult ones, thereby shun those who most need their help.

LEARNING AND PERCEPTUAL DISABILITIES

Many children who misbehave in school or who get into trouble with the law are expressing symptoms of other kinds of problems—their own, their families', or the school's. Suspension, we feel, is particularly inappropriate in response to a child's personal problem arising from a physical, emotional, or mental handicap. A study of 444 students in the custody of the Colorado Division of Youth Services, in 1972, showed that 90.4 percent of them had learning and perceptual disabilities, which had not been dealt with adequately. The mean grade they had completed was 8.8, but they functioned at a mean grade level of 4.6.

These were children who had had learning and perceptual disabilities which the schools had not recognized or designed adequate programs to deal with. They had learning disabilities.

A study of 1,252 children convicted of offenses in Texas showed that only 57, or 4.6 percent, were at their proper educational grade level. Students in the 11th grade read at 6th grade level. What does the frustration, we wonder, of not seeing the blackboard or not hearing the teacher push a child to do? How can a child behave if he cannot perform the basic skills needed for the work around him? What is the school's responsibility in these cases?

We don't believe suspension is the answer because, as one school official admitted:

> it merely moves children's problems from the school to the streets.

He said to us—

> All the kids who are out on the streets are the ones who can't cope with the classrooms and the school. They are crying for help, but they are doing it in a bad way.

Youth services workers often complain about schools denying children the help they need and contributing to their getting into trouble. I will quote from one official—

Schools conveniently forget about the troublemakers.

If it is a more temporary crisis because a child has family problems, suspension can only make it worse. And if the child's misbehavior is a response to uninteresting classes and curriculum, suspending the child addresses the wrong problem; it is the school's problem about how they are teaching and what they are teaching that children are not responding to. So, often schools blame their own inadequacies on children. The results are tragic for children and for the rest of us.

The consequences of shedding responsibility for children can be serious. In no area is this more striking than with attendance-related offenses like truancy which in many States can result in a child's institutionalization. I know, Mr. Chairman, that you have recognized this problem and are trying to do something about the institutionalization of truant children, and we appreciate that. The consequences of that can often be severe. We are going to be issuing another report shortly on children in adult jails in America.

Senator BAYH. We will be most interested in the details of that report. I know that my staff has worked with Don Radamacher and Justine Polier, both good friends, on your project.

CHILDREN IN ADULT JAILS

Mrs. EDELMAN. It's shocking. We found that in too many States, all over this country, children are being detained in adult jails. We have found some of them in the same cells with adults. We have filed a suit last year in South Carolina on behalf of five schoolchildren, two of whom were young white truants from a county of South Carolina who had been placed in adult jails. The cell was left open overnight, and they were brutally beaten and raped by adult criminals only because, again, they were truants, and happened to end up in the wrong place. We don't think that is a worthwhile result, and we don't think that it's a necessary result.

One juvenile judge in Baltimore announced that: I will no longer commit any child to a training school whose offense is solely truancy.

He further stated:

> I believe that a radically different approach must be taken. I feel that it is the responsibility of the Department of Education to devote greater and more imaginative resources to this end. There will have to be a variety of programs implemented to deal with the multiple factors involved. There should be special education and counseling centers in the community, involvement of trained people from other but related disciplines, smaller schools, street academies, testing, new and more versatile curricula, more specialists to work on a one-to-one basis. The Department of Education is working hard in this area but much more needs to be done because the battle is not being won. This truth proves the need.

He finally ends up—and I won't quote him fully here—it costs the taxpayers $6,500 to keep one truant in a training school for 1 year. With that money that will be saved by not committing any more truants from Baltimore City—unless that truancy is combined with committing criminal acts or other ungovernable behavior—much more can be poured into providing the services and facilities that can be helpful in dealing in an effective way with this problem.

We want to talk a little bit about school violence before we hold ourselves open for questions.

It is clear to those who work with children that to deny them educational services by suspending them is not the solution to any problem the child or the school may have. But the public is not always aware of this. They hear and read news stories about alleged increasing violence in the schools and they think punishing more children will stop that trend. This in turn provokes a wave of fear about safety in the schools that encourages people to want school officials to clamp down even harder on students through school exclusion devices.

Great care, therefore, must be given to what we report and how we report it, so that we do not: (1) Unnecessarily add fear about an admittedly serious problem; (2) make politically necessary overreaction and inappropriate remedies; and (3) make politically impossible sane, specific remedies to the correct problem.

One thing I would urge on this committee, both in doing surveys on school violence and in urging surveys, and reporting violent incidents, is to make a clear distinction between those violent acts which are committed by children, and those which are committed by anybody else who may be on school property.

Violence in schools is, in large part, not related to the vast majority of children who are suspended. Indeed, the violent incidents in which enrolled students are either a victim or a participant are a small minority—less than 4 percent in our survey. One of the things we would like to avoid is precisely the kind of example we found in a New York City tally of crime in the schools. There was one entry that said, "Two gunmen on November 29 invade cafeteria of Christ the King High School, Queens, before start of classes and escape with $1,300."

However, there was no evidence that either of the gunmen were enrolled students. It is, in my view, terribly important that we know who is doing what, so that we can deal with that appropriately.

Nevertheless, the statistics frequently reported to the public condense incidents like these into "school violence" even though students may not be involved. It is not our position that something should not be done about it, or that somebody else coming on school property should not be dealt with urgently and thoroughly; but we must separate what our children are doing for the purpose of finding remedies to deal with children's problems.

One district school superintendent complained:

> If two youths get caught holding up a store downtown, the headlines in the news the next day will read, "Two Harrison High School Students Arrested." They may be students, they may be dropouts, or former students of that high school. But the words "High School" become permanently appended to their name. Over time, the public just associates this with trouble in schools.

Further, many reports of studies are not balanced to lend perspective to the violence problem, admittedly serious. Reporting only the percentage increase in the rates of disciplinary incidents in schools without reporting the counts or rates of the incidents themselves can blow the problem out of proportion. For example, the public learns that murders in school have increased, without also learning that the murder rate per 1,000 enrolled students is .005 murders per year—which makes school about the safest place for a child to be, other than home. I want to be very clear that I think one murder in school is serious, that none of it can be tolerated. But, it's important in looking at it that we have some perspective. It does not help to make it seem as if schools are wholesale harborers of violent children, for the majority of children in public schools today are not violent—they are not seriously bad kids, or bad kids at all.

Finally, most school violence studies are definitionally ambiguous and incorporate vandalism. And one of the things we have looked at in going through violence studies has been that nebulous word "disruption"; which many school people interpret in many different ways. It seems to me we are going to have to be a little bit more precise, and define our terms.

VANDALISM—DISTINCTION FROM SCHOOL VIOLENCE

Vandalism reports bother us as reported with school violence figures, Mr. Chairman, because most vandalism occurs when school is closed; after school hours; on a weekend; during vacation, and not while children are in school. We think a distinction should be made, again because people don't understand it and will react in the wrong way.

Very few suspensions—we couldn't figure out why there were so few suspensions for vandalism—are made because it is usually not an internal school discipline problem. All of the studies indicate that major acts of vandalism are committed by intruders and strangers. Vandalism rates do not decrease with greater severity of disciplinary controls on enrolled students.

But we all hear so much about the violence among young people—whether or not it takes place in school—and we all have to be concerned about it. And we all hear stories about how afraid teachers are in schools and how intimidated they are to deal with groups of milling students who violate school rules. This fear is perceived by children who violate school rules, but it is also perceived by those who are victimized by violence. This in turn breeds more violence.

We have no easy answer to this fear. Many of us share it for we have children in school ourselves, or are teachers who taught there ourselves. But, the first step—and you are contributing to it—is our coming to grips with its presence in a calm, thoughtful manner. Teachers, school administrators, juvenile authorities, parents and students should address the violence problem openly, together, and formulate plans for dealing with it in very specific terms. But finding suitable remedies will require thoughtful, accurate, and sensible balanced analysis and presentation.

SUSPENSIONS NOT SOLUTION TO VIOLENCE

We believe that the solution to school violence does not lie in more suspensions but less, for its causes are to be found more on the streets where dropouts, pushouts, and suspended students—as you have recognized—pass the time among delinquent gangs in arms or drug trade. I believe it lies in the lack of preparation for decent jobs or in the lack of work even when students are trained; and in the rates of illiteracy and its attendant frustration and anger.

We think suspensions should be ended in the great majority of cases, and that they should be replaced with fair, educationally sound and effective disciplinary measures. We are not permissive; the opposite of suspension is not permissiveness; we are not expecting the schools to do nothing when children break school rules; however, we are questioning what the something is they ought to do. We believe that suspension from school, as opposed to developing in-school alternatives is not a useful or responsible response. We believe that the following steps are necessary to begin to change existing suspension practices in schools:

1. We believe the substantive grounds for suspension must be drastically pruned and punishable offenses redefined so that only situations which pose a direct and serious threat to people or property are causes for temporary exclusion from school. We don't believe pregnant girls should be suspended. We don't think children who cannot afford to pay school fees should be suspended. We don't think that children who lack immunizations required in a school district should be suspended; they should be sent down to the Health Department or immunized at school. We don't thing that children who are tardy or truant should be suspended; that is an inappropriate device and reinforces or exacerbates a problem.

2. We believe that school disciplinary rules, policies and procedures, and the range of punishments for breaking them, should be made available to students and parents in writing at the beginning of each school term or year. Every parent knows that good discipline depends on clear and consistent rules of conduct, so their children can know what's expected of them; and know, if they are breaching them, what the consequences are. In many school districts in this country there are no consistent rules, or clear, written rules of what the child is supposed to do or not do in school. A child's chances of getting suspended depends on which school, which principal, and which teacher he happens to end up with because discipline has been left to the discretion of a lot of individuals. This is unfair, undermining, disruptive and can no longer be tolerated.

Senator BAYH. Does your study show what type of student is usually suspended?

Mrs. EDELMAN. What color, what income, what kind of personal problem, what handicap—this kind of arbitrariness cannot be tolerated in making decisions about who should be kept in school, and who should not.

3. Racial discrimination in school disciplinary policies and practices must be eliminated immediately through strong local, State and Federal action. We have proposed in our report a very detailed Federal compliance policy to the Office for Civil Rights within the Department of HEW. We hope that if your proposed amendment passes it will set out standards that precondition getting money on compliance with the kinds of standards we set out for OCR adoption—to make sure that racial discrimination is not occurring in school disciplinary policies.

4. At the very minimum, schools must provide immediate and adequate due process safeguards for students before they are excluded from school.

5. Schools must begin to provide alternative services and educational programs for those who are not benefiting from regular school programs and therefore may disrupt school life. In a chapter in our re-

port we describe a variety of alternatives we found in existence in a number of school districts which seek to serve this end.

I would like to end by very briefly commenting on provisions of your proposed amendment that you submitted in April 1974, and we generally support what you are trying to do. I would personally prefer that the legislation not be administered by the LEAA. HEW would be more preferable because we are talking primarily of educational problems. I guess I don't like the idea of having discipline policies in schools and educational policies in schools become a law enforcement issue because we don't, at the bottom, feel that it is the student's misconduct as opposed to the basic institutional process that is at fault here. That will have to be corrected. But, within that framework——

Senator Bayh. I'm sure you are aware that the original Juvenile Justice Act, which we introduced some time ago, did provide for programs under the act to be administered by the White House and later HEW rather than LEAA.

However, we had to make a rather pragmatic decision. If it was administered by LEAA, which was riding the crest of popularity with this administration, it would be easier to get money for programs to assist our schools and young people.

LEGISLATION NOT SUPPORTED BY ADMINISTRATION

Now, we tried. However, it's disappointing to listen to the President talk about law and order and not try to do something about crime. It's been over a year that we established the Office of Juvenile Justice in LEAA to try to deal with the juvenile offenders before they become hardened criminals. Yet the President has still not appointed someone to head this office!

Mrs. Edelman. I understand your difficulties.

Senator Bayh. I just want to put the reasons for that development into perspective. Excuse me for interrupting you.

Mrs. Edelman. I understand.

Specifically, in section 282(e), where you are talking about the LEAA having established effective procedures for the protection of constitutional rights of students, employees and local education agencies, we urge that you be a little bit more specific in spelling that out; and we would hope to get your support in pushing HEW to adopt the kind of antidiscrimination program we are detailing in our report; nothing less than something very specific will be required to deal with procedural rights. In dealing with racial discrimination, anything less than specific is not going to be adequate to deal with the pushed-out black and other minority children.

Senator Bayh. Would you propose some specific language to deal with that problem?

Mrs. Edelman. I would be delighted to.

Senator Bayh. You are familiar with the legislative process, and as knowledgeable as anyone with the problem. If you could help us with specific language designed to deal with these specific problems, that would be very helpful.

Mrs. Edelman. We would be delighted to, thank you.

Some specific comments on the amendment go to the use of the funds, where you have provided that each funded LEAA must use at least 50 percent for educational programs, including renovation of facilities for alternative education programs, and not including programs utilized in security technology—and you go on and spell out alternative education programs.

I would like to see several changes in this because we have a few problems with this. First. I feel the 50-percent figure is too low. I would like to see more money going into educational programs than in security, though I understand the problems inherent in that; but I think we have to push as much as we can to up the margin of remedies that are going to be lasting, and which hopefully will move toward basic institutional changes. I would certainly like to have the 50-percent ceiling taken off.

The language in the act as written is ambiguous, to say "at least 50 percent for educational programs," in one of the places it seems to read "no more than 50 percent." Basically we feel that figure is too low, and we would like to have you consider putting it up.

Senator BAYH. We will certainly consider your suggestions.

Mrs. EDELMAN. We are afraid that many people will see that money for security first, and second for alternative education programs. I think we should encourage more the latter and less the former.

Senator BAYH. We are trying to strike a balance, and maybe we set our sights too low. But we must have a balance in dealing with the need to provide resources to prevent the kinds of clearly nonstudent related vandalism that tends to take the headlines. You are absolutely right, if somebody runs a bulldozer into the side of a school building—which happened a couple of months ago—the way it is handled and perceived by a lot of people who listened to that news is, "those crazy kids did it to this school again."

I think if we can limit the vandalisms that are nonschool oriented, we will have a much better chance getting resources.

But here again, I would like to have your specific suggestions as to how.

SAFEGUARD PROCEDURES IN ALTERNATIVE PROGRAMS NEEDED

Mrs. EDELMAN. All right. We are greatly in favor of educational alternatives and discuss that in our report. However, we are concerned that we should set up some type of safeguard procedures for placement of children in alternative programs, so that they do not become new avenues of school exclusion or segregation devices. I think there has to be more adequate language in the amendment to provide for due process safeguards and against racial discrimination.

Also, I'm a little concerned that too much of the money may be used for renovation of alternative schools, as opposed to more and less costly, but perhaps more effective kinds of programs. I think I would feel safer with some kind of cutoff of the percentage of money that can go to renovation to assure that an adequate amount would be available for special programs in renovated facilities. But we want to encourage the use of more school resources and innovation without new buildings. Again, our experience has been too often that whenever there is building money, the emphasis would be to get more of that. I would just like to see if we can't set a ceiling for the amount that can go for renovation, and the place emphasis on a variety of other kinds of programs.

Finally, while I agree that there has to be some resources put on security, I think the amount should be lower than 50 percent. I'm not aware of it, but I assume that you have from your hearings come to know more effective kinds of security programs and less effective ones. I am sure there are bad security programs and good ones. And if this committee could give guidance as to the kinds of security programs that are working in some school districts, that are most protective of the rights of schoolchildren and others in the community, I think that would be helpful. As far as possible we should seek to avoid regressive and unnecessary overemphasis on security. If you have evidence of good and bad programs and could lend some judgment to school districts which they might follow, I think that may be a very helpful thing to do.

Beyond that, I would be delighted to sit down with staff and do very specific language changes and drafts, and see if we can't work out some accommodation on this point because I think we are seeking the same goals and same ends. And if we can do that through specific discussions, I will be delighted.

Senator **Bayh**. Your being here has certainly been our pleasure. Now, I would welcome your responses to certain questions I have in mind.

Mrs. **Edelman**. Yes.

Senator **Bayh**. Would you give us your comments concerning the decision of the Supreme Court in the case of *Goss* v. *Lopez* requiring at least minimal due process for students prior to their suspension from school?

Mrs. **Edelman**. Well, I think the Supreme Court decision, while it doesn't establish a right to education, does recognize that education is an important function, and so important that children have a vested property interest in education which cannot be denied without minimal due process procedures. And it is important to have school officials understand that there is legal importance attached to this, so that they cannot act arbitrarily.

Insofar as the kinds of due process procedures that the Court required, we are less than happy with them. We think they are very, very minimal, very informal, and there will be, obviously, a lot more litigation on the extent to which due process requirements should be provided. But, while *Goss* is a minimal step—very, very minimal—and we think not adequate to deal with the kinds of problems schoolchildren still have in many school districts, at least they recognized an important student interest that we can build from. They left open for us the right to come back in unusual circumstances to elicit even greater due process safeguards.

The thing I want to make very clear is that the decision, while important and a step forward, is not going to solve the suspension problem. Procedures alone are not the answer to the problems we are finding. Procedures alone are not going to cure all those suspensions for things like truancy, chewing gum, pregnancies, special needs, which we think are inherently unfair. We are going to have to work very hard to go far beyond procedures. No fair hearing in the world can cure suspension that is not educationally justified, or personally justified in terms of a child; that does not go to the issue of whether or not suspension per se is helping children, or necessary to schools.

So, we are grateful we didn't lose that case, we are grateful that we won, and we are grateful for the recognition of the importance of education. We think, however that the very minimal guarantees have to be expended. But more important, we think it does not touch the deeper issue, the substantive basis underlying suspension in schools, where we strongly believe have to be reexamined and reformed.

EFFECTS OF MINOR-INFRACTION SUSPENSIONS

Senator BAYH. Is it fair to say that suspending students for violation of rules such as being tardy or smoking may, in fact, make the disciplinary situation worse by putting these students out on the street with no supervision at all?

Mrs. EDELMAN. Exactly.

Senator BAYH. Obviously schools can't ignore violations of rules. Do schools have the capacity to deal with such violations in ways other than exclusion?

Mrs. EDELMAN. I think we have the capacity. I think the biggest problem with suspension at the moment is an attitudinal one. We haven't thought about why or how we use it, we haven't thought about how good or bad it is, and what purpose it purports to serve. It is just something we have always done. We have gone to a number of schools and gone through the records they have shown us—because central administration often doesn't look at their principals' reports, and reporting in general is very poor—how many children they have thrown out of school in a given school year, and they are uniformly surprised when an analysis is done both as to the numbers suspended and the reasons. When we have gone through why they suspended them, and again, they are uniformly surprised that the great majority of children were suspended for tardiness or truancy or other minor infractions of the rules.

There is very little being done, it seems to me, in training teachers—and this is a problem of schools of education to understand how to deal with a difficult kid. Most of the teachers, a lot of the teachers who are suspending children are very young teachers and inexperienced, and have not been taught to deal with and understand the various child development stages, and discipline problems, and understand the various problems they are going to be confronted with.

We will have to seek better fundamental training of teachers to have to understand children and deal with children; and many things that are now thought as bad, aren't bad at all. They have to understand what children are like at certain stages of their lives so they will be able to deal with children much more effectively.

So, we have to talk about getting a change of knowledge and attitude and a recognition of what they are doing by building in more relevant training capacity in our education schools; and we have to have more inservice training for existing teachers. And, certainly, we have to build in more support within schools to help them in dealing with children who have learning problems and learning disabilities, or other kinds of personal problems; and I think a lot can be done with existing school resources. We can call on parents a great deal more.

ESTABLISH WORKING RELATIONSHIPS WITH PARENTS

An overwhelming rationale given by principals is, "Well, that is the way we get the parents in," but we don't think that they have to do that, as a measure to get parents in. There must be something short of throwing a child out of school to get the parents in. Schools must be forced to establish better and closer relationships with parents so that they can have a common working relationship, and I don't think that costs a lot of money. Far more effective PTA programs; far more information going out; and an atmosphere that welcomes parents to come in and question what's going on in the school, would be a major step forward in this area. Parents are excluded from most decisions made by the schools affecting the child's discipline, teaching, special education programs, etc. We are not using the kinds of resources and needed ties we have in the parent community to work with kids.

I think that a number of schools are moving toward a variety of alternatives, some of which cost money, and some of which don't. We found that the use of other students in peer counseling—students who had problems and students who have not had problems—to work with other students who are having problems, which again is not an expensive device. It means that staff and students talk about the problems openly and in organized fashion. Children want discipline, too. Peer counseling is working in some school districts, and we would like to see that explored further.

A variety of schools have resource rooms where children who have problems can go to and have those problems recognized and dealt with.

There are going to be a number of students who have more serious problems, children who are violent, or continually disruptive, children who have continuing problems. There are not enough good counseling programs in school, there is not enough diagnostic help and psychological guidance or treatment facilities once the diagnosis occurs. That is going to require more resources. A number of States are moving toward allocating more money for special education programs, and Congress is talking about allocating, and has indeed allocated more money and has recognized the need for special education programs within schools. Again, that needs to be expanded.

I think the resources are there, I think they have to be broadened and have to be supported. I think many of the kinds of measures we need and have taken don't really require a lot of money. There needs to be better professional help, and we have to begin to redeploy existing resources, as we point out in our report.

SELECT SCHOOL PRINCIPAL WHO REALLY CARES

I guess the last thing I would say, if people had to think of one thing to concentrate on, I would recommend that it be on the selection of a good principal. A good principal can really set the tone and atmosphere in a school, and he or she can make the best of very limited resources. If you have a principal who does not believe in suspending; if you have a principal who really cares, who wants to keep children in school—and there are many of them in this country—it can make a vast difference to children. We have been impressed by principals in very tough schools who came in when there was violence, who came in when there was a great deal of absenteeism, a great deal of disruption in classes, and somehow decided this was not the kind of school to have. They were not permissive, they were tough. They sat down and began to work with their staff and teachers within their schools, they began to bridge the gap between students, teachers and parents and the administration. They began to run schools, after a while, after a lot of hard work and after some tough times, without suspending children.

I think if they can do that in tough schools in New York, or Chicago, can take juvenile delinquents and tough street kids and bring them back into a school where they care and don't suspend them, make them a part of the community, other principals can do it. We describe the successful efforts of some such principals in our suspension report.

Paying more attention to whom we select as principals, and to the principal selection process, is not something that costs a lot of money. But if we have enough good educators who care enough about kids, who are imaginative, who will seek and use community resources outside of the school, we will begin to have a new kind of corps of leadership in our schools, and that could make a difference in a lot of these problems.

Senator **Bayh**. Could you give us the names of two or three individuals you are speaking about?

Mrs. **Edelman**. We were most inspired in Chicago by Philip Viso, who runs a school in Chicago for dropouts and delinquents: and by Joseph Lee, who is another school administrator working in that area. Luther Seabrook took over a school in New York City, a very tough school. He is now a district school superintendent. And Steven Kaminsky is a young man, a teacher whom he hired, and he talked with us in detail. We have excerpts from our interview with them in the report. Kaminsky and Seabrook talk about how they turned their Harlem school around to keep kids in school, and cut down disruption. Hiring Kaminsky meant redeploying some teacher salaries, or some other Federal sources of money to get him on staff, but I think we have to have school districts recognize that this kind of person who can bridge the gap between student and administration is an important person to have. I was very impressed with what we found there.

We would be delighted to give you a list of other people interviewed, we have six such in our report, and we urge you to read it and call any of them. I would like to provide you with more, if you are interested, in terms of school districts who are doing good things, some of which cost money, and some of which cost little money, and who we think are moving in the right direction.

Senator **Bayh**. Essentially, therefore, you are saying that schools are not helping themselves if they react to violations of every rule by suspending students, rather than seeking some other method of enforcing those rules.

Mrs. **Edelman**. Exactly, that is what we are saying.

I think it would be good, Mr. Chairman, if you could build in some sort of extra incentive in your bill for those people who try, who are using the resources and are moving in a different direction, who have a high standard of due process, to see that they get rewarded. We always seem to run our programs with a reward for backsliding, aiding the people who are doing worse. I think we should also try to provide an incentive and move to say, "If you are doing something yourself, we are going to give you more," have an incentive built in.

Senator BAYH. In your study did you find that many of the suspensions imposed by schools were for violent or illegal activities?

Mrs. EDELMAN. We were surprised to find in our own survey, and in our examination of suspension reasons, how little tie there is between violence and suspension. You think of a million children being suspended in half the school systems in our country, the overwhelming majority of whom were not violent. We found less than 4 percent, in our survey, had been thrown out because of something like vandalism or violence. Now, they say that a lot of kids who are violent, are expelled, and we understand that. But I think that we have to take issue with that because we think it is mostly the violent kid, mostly the child who is disturbed, who should not simply be put out on the street to get himself into more trouble and get the community into more trouble.

The schools have a responsibility, once they identify a child who is seriously disruptive, has real problems, is violent and a threat to himself and other people, they have a responsibility to try to connect that child up with some system or service in the community that is going to help him, if the school cannot. Expulsion, putting him on the street is not going to help him; it is making him worse, as you recognize.

If they are committing crimes in school, they should be turned over to the juvenile justice authorities, in our view, and I'm sure you recognize that. But our juvenile justice system should be left to deal with offenses which are truly serious, and children who really need help. And perhaps they would have more resources if they were not flooded with all the children whose offenses are not so serious.

So, what we urge is that the schools stop trying to be psychiatrists, and stop trying to be judges and deciding to put some children out in the street without help; and that the schools, if they recognize they cannot handle the child, turn him over to the proper authority, service agency, or psychiatric service. Right now nobody knows what is available, and there is nobody who helps parents and children get to those resources.

But we think that the school has an obligation with the violent child to hook him up to the right kind of service, or get some kind of help to the parent in looking for the right kind of service, for suspension is certainly not the answer. We think a big job exists to disconnect suspension and violence in the public mind. We are concerned that continuing emphasis on school violence will make people say, "We've got to suspend more kids" even though that has almost nothing to do with the violence problem. Indeed, we think suspension exacerbates the violence problem, rather than cures it.

REFORMATORIES DON'T TRAIN MODEL STUDENTS

Senator BAYH. Obviously children that resort to violence need special attention. But what also concerns me is what we do to children who are minimal violators of school rules.

Truancy or tardiness are good examples. I certainly don't think it's good for a child or a school system to have a lot of tardiness or truancy; but, when a truant is sent to a "boys' school" or "girls' school" we are not doing anything very constructive.

Mrs. EDELMAN. Well, I agree with you wholeheartedly, I just think we've got to keep them in school and not lose them on the streets the first time. I don't know, we should explore whether there is any kind of handle, through Federal law, or title VI, where we might again try to find a way to prohibit these kinds of offenses within schools because we do know they are not making sense—are not helping children or relieving the problem of schools. I would like to explore that more.

What we could do is try to move school systems toward not suspending for certain kinds of offenses; if we have a Federal handle to do that, we should explore that; and I think if you can have an impact in this legislation in that regard, it would certainly be helpful.

Senator **Bayh**. Well, I think, for example, State legislatures.

Mrs. **Edelman**. Certainly.

Senator **Bayh**. In almost all of our States a child who is truant is a law violator by statute—so that reinforces the use of suspension for truancy since it is, in effect, a violation of the law. I want to emphasize that I don't condone truancy, but we should not respond to the problem by imposing sanctions that will guarantee that conduct will happen again.

Mrs. **Edelman**. Mr. Chairman, I see no reason—I know you have in the previous act moved toward eliminating as statutory offenses on certain kinds of things, like truancy, and I see no reason why in the pending amendment you could not put in money specifically designed to let State education agencies and others deal with children's truancy problems, and explore other than suspension to that. There is nothing, as I understand it, and your counsel may reinforce, or disagree with me, to say that we would like it recognized that truancy and tardiness, and other minor offenses of that kind—and that may be serious for a child if it is continuing—must be dealt with positively; and that we would like to see programs developed that are nonexclusionary and which get to the roots of the truancy.

I think that would be very helpful, if there was an incentive to do this, it would make it much more palatable to move in that direction. I would like to explore that possibility with your staff.

Senator **Bayh**. Thank you very much, we appreciate your contribution. Your testimony has proved very helpful, and no doubt we will request additional information from you, if you would so oblige us.

Mrs. **Edelman**. Thank you. We will be glad to respond in any manner that we are capable.

CHILDREN'S DEFENSE FUND
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October 14, 1975

Senator Birch Bayh
Chairman
Subcommittee to Investigate Juvenile
Delinquency
United States Senate
Washington, D.C. 20510

Dear Birch:

In response to your letter of September 18, 1975, let me answer your questions in the order in which they were asked:

1. In addition to the obvious fact that a suspended student will not be able to attend school, are there other detriments that flow from suspension or expulsion?

For example do colleges or prospective employers inquire on application forms as to past occurrences of suspension?

On pages 48 to 54 of School Suspensions: Are They Helping Children? we identify some of the harms that can accrue to children because of suspensions. In a section entitled "How Suspension Harms Children," we say:

Suspension seldom benefits children. Unjust suspensions hurt school officials and all children in a school--not just those who are suspended. Children who watch innocent children being suspended because there was no hearing or because officials did not give credit to students' side of the story will learn that adults and laws are not as fair as they proclaim to be. Children who watch children being suspended because they are black and poor will learn that racism and classism are condoned by adults in America. Children who watch suspensions being given to children who cut school or for trivial reasons will wonder about the wisdom of their adult models. And children who watch other children being suspended because they have problems which cause them not to fit the smooth, quiet functioning of a school will learn that it is all right to ignore people with problems, to close their eyes and not offer help when it is needed. Such lessons can only undercut the respect for authority and maturity that most parents want school discipline to teach their youngsters.

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For the children who are suspended, the harm is even greater. In our conversations with parents, children, school officials, community people and youth services officials, they indicated that suspensions can harm children in at least four ways. Suspensions: (1) take away educational time that may cause marginal, weak or poorly motivated students to drop out permanently; (2) label children as "troublemakers," thereby making repeated behavior problems more likely; (3) deny children needed help; and (4) contribute to juvenile delinquency by putting unsupervised children and those with problems into the streets.

Finally, additional harm accrues to children who are mistakenly suspended, suspended arbitrarily or by unfair means. For the black and other minority and poor children who are suspended by officials with double-standards for behavior and punishment, the repeated reinforcement of discrimination will leave bitter scars.

Schoolwork Missed

School officials confirm the negative impact of missed schoolwork on some children. One Superintendent said, "If they stay out 9, 12, 15 days in a marking period, they'll have a hard time." Another school official said that in his school students cannot make up work, including tests, missed as a result of suspension. Still another said the days missed for a suspension are recorded as unexcused absences for the purpose of making up work. A former school board member in Davenport, Iowa said, "If a child is kicked out of the same class six times, he or she has to drop the class." Some districts have attendance rules which require grade retention if a child misses a certain number of days; suspension can thereby cause some children to lose a whole year of school.

Some children lose major amounts of time from school because of suspension. Our analysis of OCR data shows that in Twiggs County, Georgia, three children were suspended for an average of 107 days. In Casa Grande High, Arizona, 46 children were suspended for an average of 48.7 days. And in Scottsbluff, Nebraska, 66 children were suspended for an average of 45.8 days. While the average time for suspension nationally is four days, many children suffer back-to-back, short-term suspensions or are suspended multiple times. One child reported that he was suspended every other week in the eighth grade," then was finally expelled "because I was getting suspended too much."

Causes Permanent School Leaving

Almost 11 percent of the children in our survey who were out of school cited a suspension as the triggering device. A Somerville Neighborhood Youth Corps (NYC) worker explained the pattern similar to Jimmy's in which students get suspended, drop behind in their school work, cut classes, and eventually leave school completely.[1] The Springfield NYC education director reported that "if a kid is out for a couple of months, he can't really make up the work, so he just drops out."[2] And Superintendent Stoddard in Sumter County, South Carolina acknowledged that a student who is frequently disciplined may end up dropping out.[3]

Labeling

Suspension often labels a child as a troublemaker. This label causes teachers, school officials and other students to foster expectations that breed misbehavior. One educational expect testified that "the labeling process...does carry over from one teacher to another...the teacher expects a certain kind of behavior, namely rebellious behavior or negative behavior, from a youngster, and with that kind of expectation as a pre-set, the youngster naturally is reinforced into producing that kind of behavior."[4]

The education director and the psychologist of the Springfield Neighborhood Youth Corps confirmed the labeling problem. They cited the case of a Forest Park Junior High Student who was suspended. "Everytime he returned if he even opened his mouth he got booked again."[5] A Springfield attorney commented that the Office of Pupil Services used to label all kids who were suspended as in need of psychiatric care and used this as a rationalization for keeping kids out because the system did not have adequate psychiatric care.[6]

Suspension, once on a child's record, blocks a child's chances of wiping the slate clean with another teacher, another school or another agency that receives his records. As an upcoming CDF-Urban Policy Research Institute study on school record keeping practices in Los Angeles shows,[7] children's discipline records, including suspension, are scattered among many kinds of people in and outside of schools, including employers, law enforcement agencies, and almost anybody who asks to see them except parents and children.[8] We found that:

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[1] Interview with Jean Luce, Neighborhood Youth Corps (Out-of-School), Somerville, Massachusetts, November 2, 1973.

[2] Interview with Barbara Jackson, Education Director, Neighborhood Youth Corps, Springfield, Massachusetts, December 5, 1973.

[3] Interview with Hugh Stoddard, Superintendent of Schools, Sumter County No. 2, South Carolina, January 18, 1974.

[4] As quoted in Amicus Brief of the Children's Defense Fund filed in Goss v. Lopez, supra, at 15.

[5] Interview with Barbara Jackson and Donna Scholee, Springfield, Massachusetts, December 5, 1973.

[6] Interview with William Malloy, Housing Allowance Program, Springfield, Massachusetts, August 17, 1973.

[7] Children On File: School Record Keeping Practices in Los Angeles. This report will be available from CDF and the Urban Policy Research Institute in Fall, 1975.

> No regulations govern the disposition of discipline files. Each dean or vice principal may destroy whatever he chooses, whenever he chooses or keep the files indefinitely. Many administrators keep discipline files years after students graduate to refresh their memories so they can prepare summaries for potential employers, law enforcement and probation authorities. One junior high school principal keeps discipline files for a year after the students are no longer in his school "in case the police or courts need information after the student has gone on to high school." At one school, a disciplinary file was observed that spanned a ten year period. The vice principal's rationale was that it contained information on "particularly bad boys" and he wanted to have evidence of that in case FBI investogators or employers asked him about one of them.
>
> A few school administrators destroy all behavior files after graduation because they believe students should have another chance. _______principal at ________, for example, stated, "What a student does when he is 16 shouldn't be held against him when he is 19. Youngsters do a lot of growing up during these years." One school principal, ________of ________Elementary School destroys discipline files at the end of each school year because "even students with lengthy records deserve a fresh start."
>
> Discipline file retention practices often vary even among officials at the same school. One assistant principal in charge of discipline destroys

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[8] We wrote to personnel directors of America's 500 largest industrial corporations. Of the companies responding to our query, 51.7 percent stated that they sought access to a job applicant's public school records. Of those seeking access, 91.1 percent reported that they were generally allowed to see school records and 73.3 percent indicated that poor grades, high absenteeism or a history of discipline problems appearing on the records were likely to count against the applicant. Companies characterized people with records of suspension as "poor job prospects," who would receive "negative consideration."

> behavioral records of boys when they graduate. But the dean of women, whom he supervises, keeps records on girls for five years, some even longer. Her supervisor is not even aware of this inconsistency within the same school. She continues to release information that he believes has long since been destroyed.[9]

Denies Children Help

Many children who misbehave in school are expressing symptoms of other kinds of problems: their own, their families', or the school's. Suspension is particularly inappropriate in response to a child's personal problem arising from a physical, emotional or mental handicap. A study of 444 students in the custody of the Colorado Division of Youth Services in 1972-1973 showed that 90.4 percent of them had learning and perceptual disabilities. The mean grade they had completed was 8.8, but they functioned at a mean grade level of 4.6.[10] A study of 1,252 children convicted of offenses in Texas showed that only 57, or 4.6 percent, were at their proper educational grade level. Students in the eleventh grade read at sixth grade level.[11] What does the frustration of not seeing the blackboard or not hearing the teacher push a child to do? How can a child behave if he cannot perform the basic skills needed for the work around him? What is the school's responsibility in these cases? Suspension, as a school official admitted, merely moves children's problems from the school to the streets. He said:

> All the kids who are out on the streets are the ones who can't cope with the classrooms and the school....They're crying for help but they're doing it in bad ways.[12]

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[9] Children on File: School Record Keeping Practices in Los Angeles. Though the recently passed Family Education Rights and Privacy Act, the so-called "Buckley Amendment," should begin to correct some of these abuses, it does not affect the millions of files on children that have been opened already to law enforcement agencies, employers and others. Nor does the mere passage of the law guarantee its enforcement.

[10] Richard C. Compton, "Diagnostic Procedures and Classifications of Learning Disabilities," memo as Supervisor of Education, Department of Institutions, Division of Youth Services, Denver, Colorado, June 21, 1973.

[11] Kenneth Wooden, "Reading Level of Students in Texas," a study for the Institute of Applied Politics, Princeton, New Jersey, March 12, 1973.

[12] Interview with Delmer Sly, Assistant Principal, Smart Junior High School, Davenport, Iowa, November 7, 1973.

Youth services workers often complain about schools denying children the help they need and contributing to their getting into trouble.

> I have strong feelings about schools not doing the jobs they're supposed to do. Schools should be the initial barometer of problems with kids....They ignore difficult kids, give them social promotions or suspend and expel them.[13]
>
> A child doesn't get picket up for services until he's in trouble.[14]
>
> Almost all these kids should have been picked up as having problems in schools in the beginning. They probably were belligerent even in the first and second grades. And the amount of legitimate evaluation and consultation these kids have had is zero when they reach us.[15]
>
> Schools conveniently forget about the troublemakers.[16]

If it is a more temporary crisis because of a family incident or problem, suspension can only exacerbate it. And if the child's misbehavior is a response to uninteresting classes and curriculum, suspending the child addresses the wrong problem. So often schools blame their own inadequacies on children. The results are tragic for children and for the rest of us.

The consequences of shedding responsibility for children can be serious. In no area is this more striking than with attendance-related offenses like truancy which in many states can result in a child's institutionalization.[17] One juvenile judge announced that "I will no longer commit any child to a training school whose offense is solely truancy." He stated further that:

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[13] Interview with James McGuinness, Regional Director, Region VI, Department of Youth Services, Commonwealth of Massachusetts, June 28, 1973

[14] Interview with Linda Godin, Placement Director, Region VI, Department of Youth Services, Commonwealth of Massachusetts, August 28, 1973.

[15] Interview with Douglas Baird, Director, Anker House, Worcester, Massachusetts, September 11, 1973.

[16] Interview with John Gardner, Placement Director, Region II, Department of Youth Services, Commonwealth of Massachusetts, August 29, 1973.

[17] See Appendix D for state chart on statutes relating to truancy.

I believe that a radically different approach must be taken. I feel that it is the responsibility of the Department of Education to devote greater and more imaginative resources to this end. There will have to be a variety of programs implemented to deal with the multiple factors involved. There should be special education and counseling centers in the community, the involvement of trained people from other but related disciplines, smaller schools, street academies, testing, new and more versatile curricula, more specialists to work on a one to one basis. The Department of Education is working hard in this area but much more needs to be done because the battle is not being won. This hard truth proves the need.

It costs the taxpayers $6,500.00 to keep one truant in a training school for one year. With the money that will be saved by not committing any more truants from Baltimore City (unless their truancy is combined with committing criminal acts or other ungovernable behavior) much more can be poured into providing the services and facilities that can be helpful in dealing in an effective way with this problem.

Thus, any child who is found to be guilty of truancy alone in the Juvenile Court of Baltimore City will be placed on probation. Our probation department will be establishing specialized types of programs of a remedial and tutorial nature to work with these children in addition to utilizing all appropriate community based resources. If a child does not respond to our intensive program (which will take time to develop fully) then we shall not punish him by sending him away but will have to admit our own failure.

The truant child is a troubled child and one whose future is bleak. It is our hope in the Juvenile Court to take what we hope to be a more positive and enlightened approach to this problem and attack the social roots, for without changing these social roots we will not change the condition. And it is our hope that all departments and agencies concerned with the education and welfare of our youth will take a fresh look at the situation and move ahead with boldness and imagination.[18]

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[18] Press statement of Robert I. H. Hammerman, Judge, Supreme Bench of Baltimore County, Maryland, June 4, 1970. Judge Hammerman's entire statement is contained in Appendix E.

Encouragement of Juvenile Delinquency

No one has been able to identify the precise causes of juvenile delinquency. Most social scientists agree that the factors contributing to it are many and interrelated. But school problems --whether they cause delinquency, are caused by delinquency, or are caused by some other factors that also cause delinquency--are highly correlated with more serious offenses. Officials in Massachusetts detention and other youth facilities whom we interviewed said:

> Ninety-eight percent of [our] children have been involved in school problems.[19]
>
> Everyone has come in with some particular school problem.[20]
>
> Nearly all have had trouble in school.[21]
>
> You name it, they've had it. Some have been tutored at home; others are put in special classes or given social promotions. One girl never spent a full year in school before coming here.[22]

Many administrators see the public schools as serving the majority of children, and they encourage nonconforming children to go elsewhere--or are ready to have them disappear--as long as they keep out of their schools. Children under the supervision of the Department of Youth Services in Massachusetts whom we interviewed revealed that over 80 percent of them had been expelled or suspended, many of them repeatedly.[23] Two of them said:

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[19] Interview with James McGuinness, Commonwealth of Massachusetts, August 28, 1973.

[20] Interview with Paul Carlburg, Staff, Anker House, Worcester, Massachusetts, September 11, 1973.

[21] Interview with Jerry Cowan, Director, Liberty House, Danvers, Massachusetts, September 17, 1973.

[22] Interview with Anthony Teso, Educational Director, Protestant Youth Center, Baldwinville, Massachusetts, September 20, 1973.

[23] Of the 46 children interviewed, 37 had been either suspended or expelled from school at least once. Most had been suspended repeatedly.

> I forgot how many times I was suspended in the seventh and eighth grades. They'd ask for my story but they'd always believe the teacher. They'd say, "take a few days vacation."
>
> The principal said "don't bring him back, we don't want him here." They didn't give any reason whatsoever. They said/"we'll say we caught you with marijuana." I continuously called the school asking if I was terminated and if so, requesting that my records be sent to Worcester. They kept telling me to call back next week--that went on until December. They were playing a game and I lost a year of my life academically as a result.

A highly placed Department of Youth Services official remarked:

> The good schools don't like our kids, and the bad ones we don't like. We find that if we take our kids and place them in Boston public schools if we leave them off at 8:00, they're expelled by 8:30, before school even starts.[24]

Suspending children leaves them to their own devices, at home or on the streets, often without any supervision or guidance. Parents in all the districts we visited expressed serious concern for children "hanging around" the streets idly. Schools whose primary constituency is supposed to be children, by shedding themselves of the difficult ones, thereby shun those who most need their help. As busy as we know teachers are, we agree with one Portland school official who remarked:

> The feeling in the system is "you can't help these people" /problem children/, but you can. The thinking process can be changed....Kids must be made to feel that they are worthwhile. Teachers can't continue to say, I don't have time....[25]

2. Your most recent study found that suspensions impact disproportionately on minority children. Is this part of the "pushout" phenomena referred to in your earlier report, Children Out of School in America?

Yes. Black children are suspended at twice the rate of any other ethnic group. And in some cases, they are singled out for exclusion because of the kinds of offenses which result in suspension or in unevenhanded doling out of punishments to black and white students. However, the term "pushout" has come to be associated with the problems of minority youngsters following desegregation, and we found that while this was true, the overuse of suspension occurs in desegregated and segregated school districts alike and it affects white children too. In absolute numbers, the majority of children suspended are white, while proportionately, blacks suffer more.

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[24] Interview with an official in the Department of Youth Services, Commonwealth of Massachusetts, who asked to remain anonymous.

[25] Interview with an official in Portland, Maine, who asked to remain anonymous.

3. Do you think that large scale suspensions of students with relatively minor disciplinary problems may, instead of helping to reduce the problems of school violence and vandalism, actually produce the opposite effect by placing these students on the street without any supervision?

This is the major concern we have. Children who have minor problems or disputes with teachers, school rules or other youngsters should be disciplined appropriately--not denied education through suspension and not left to their own devices to fall into harmful influences of other youths out of school. Those with more serious emotional, behavior or learning problems need the diagnostic and supervised treatment of school or referred social services even more. Suspending them serves no purpose whatsoever and may escalate the problem, making remediation even more difficult.

4. Can you provide the Subcommittee with a list of specific programs and practices which can serve as alternatives to exclusion?

Chapter 6 of our report is completely devoted to discussing alternatives to suspension. We offered them as suggestions for further inquiry for interested schoolpeople, since no current program is perfect and any program should be tailored to meet the specific needs of the children, school and community involved. Some of the programs we were impressed with were:

-Behavior Contracts. Englewood Middle School, Englewood, New Jersey. Roland Betts, former assistant principal.

- Student Ombudsman. I.S. 44, New York City, N.Y. Steven R. Kaminsky, Ombudsman. Luther W. Seabrook, former principal.

-Peer Group Counseling. Metropolitan School-Based Delinquency Prevention Program of Rock Island, Illinois.

-In-School Centers. The Shop. Dayton, Ohio. Federally-funded drop-out prevention program.

-Teacher training. John Shea, Principal, Van Sickle J.H.S., Springfield, Massachusetts Public Schools and Alfred Alschuler, University of Massachusetts School of Education.

-Work Study Alternative Schools. Industrial Skills Center, Chicago. Philip A. Viso, former principal. The Walk-In School, Columbia, South Carolina. William Howell, Director.

5. In your statement to the Subcommittee you said, "Indeed, the violent incidents in which enrolled students are either a victim or a participant are a small minority--less than 4% in our survey."

Does this indicate that 4% of the students suspended from schools were suspended for being involved in a violent incident, or does it refer to 4% of the entire student population as being either a victim or a participant in violent activity?

How was this figure determined?

CDF conducted a survey of 6,500 families in nine states (Alabama, Colorado, Georgia, Iowa, Kentucky, Maine, Massachusetts, Mississippi and South Carolina) and Washington, D.C. to see how many children were out of school and the reasons they were out. A proportion of the children we interviewed (10.9 percent of 7,483 school-age children) were out of school because of disciplinary exclusions, largely suspensions. Of these children, less than 4 percent had been excluded for destruction of property, use of drugs or alcohol or other criminal activity.

6. Under what circumstances and for what type of conduct would suspension from school be an appropriate response?

The only time suspension--removal from school--is justified is when a child is posing a direct and serious threat to him or herself, other persons, or a significant threat to school property. And in this minority of cases, the suspension ought to be short and temporary, with due process requirements satisfied as soon as possible and with diagnosis and treatment of the problems precipitating the suspension provided or facilitated by the school.

Sincerely,

Marian Wright Edelman

MWE/sm

Senator BAYH. Our next witnesses will include Mrs. Walter G. Kimmel, president, National Congress of Parents and Teachers; Mr. J. William Rioux, senior associate, National Committee for Citizens in Education; Mr. Alan H. Levine, counsel, New York Civil Liberties Union, Student Rights Project; and Mr. Robert Phay, professor, Public Law and Government, University of North Carolina.

I am eager to hear from all of you. Mrs. Kimmel, will you begin with your testimony?

STATEMENT OF MRS. WALTER G. KIMMEL, PRESIDENT, NATIONAL CONGRESS OF PARENTS AND TEACHERS, CHICAGO, ILL.

Mrs. KIMMEL. Thank you, Mr. Chairman. I am Mrs. Walter Kimmel, and I'm president of the National PTA, which has a membership of over 7 million people.

Senator, I appreciate being here, and our organization has already reacted to the specific legislation involved in this hearing. Last week the board of managers of the National PTA selected "School Violence and Vandalism" as a priority of concern in our legislative program by adopting the following statement:

> The increasing intensity and frequency of violence and vandalism in the schools threatens serious disruption of the educational process, the safety of teachers and students and poses an enormous financial burden on local school systems. Hearings before a U.S. Senate Committee in April, 1975, indicates the costs of vandalism, arson, and theft in the schools are in excess of $600 million, more than the national amount spent on textbooks for every public student in 1972. In addition, schools are diverting funds badly needed in the improvement of the educational program to security personnel and equipment.
>
> Legislation is being developed to assist schools to determine the causes of violence and vandalism, to develop and fund alternate programs for students who do not seem to benefit from the regular school setting, to provide assistance to schools for teacher training and necessary security measures, and to work cooperatively with states and local systems to reduce the financial and human drain on the effectiveness of the schools. Special attention is necessary to insure effective programs within the constitutional limits and the active participation of parents and students in the resolution of the problem.

I read this statement to you because you were talking about getting the attention of the country to the problem, and we believe that by selecting this as a priority item that will go to all 35,000 local PTA units in the country, if they have not been aware up to this point, they will be aware now of the problem. We are, of course, very interested in the legislation and will follow it legislatively.

Now, since we have spoken to the legislation in written form to your committee, my comments are going to be directed more to the broader scope of what we see, and what we think we can do to help.

SCHOOL PROBLEMS REFLECT HOME AND COMMUNITY

We believe that this is not a school problem alone. It is a reflection in part of the home and the community in which the child lives. We believe that the parents must be involved in the analysis of the problem and the search for solutions. Others here are to speak to students' rights specifically, so I will not belabor the point. But we believe that students, parents, school personnel, and community leaders must work together to make policy or to enforce it effectively.

Now, at this point I am going to depart from the written testimony [1] which I gave to you, and will try to summarize more briefly some of the things that we think are contributing factors, and some of the things we might be able to do about this.

First, I would like to say that we agree entirely with what Mrs. Edelman was saying, and you will see in my report that we have been involved in many of the things she was talking about.

But first and foremost, among the problems as we see them—and I am speaking not as a professional, but as a parent and representative of the National PTA—are that many students just simply do not want to go to school. And yet, our laws make it difficult to leave school. Also, patterns of absenteeism and truancy begin at a very early grade, and we are giving very little attention to the problem.

TELEVISION—EXCELLENT INSTRUCTION IN VIOLENCE

Second, we are concerned with what is the influence of the public media on the problem. We are all familiar with the figures of hours that children and young people spend watching television. And according to your own hearings, and also from other school people around the Nation, it is the belief of many that patterns of violence in schools often follow what was on television the night before, or the week before, and the instruction given through these programs is really excellent. Often the news is almost as violent as other television programs. Some believe that most young people could handle what they see if the content were discussed with parents or other mature people and if it would be viewed in a broader context beyond the violence and disturbance seen in the news.

Also, the growing evidence indicates that children are reading less, their attention span appears to be shorter. The lack of verbal interchange with other family members and peers seems to contribute to learning and behavioral problems, which leads indirectly to hostility and vandalism in schools.

And then, increased use of drugs and alcohol by young people in and out of school is part of the problem.

The unrest in the adult society provides an example of public policy with regard to the laws of the society in which we live. The lack of willingness of the public and community leaders to recognize and admit that there is a problem, and become involved in the solution, is often a contributing factor.

Many parents are not comfortable in school, Mrs. Edelman alluded to that. Whether justified or not, parents feel that they are shut out of schools, both in the decisionmaking process and the day-to-day activity of the school. And we have to admit that one of the contributing problems is a lack of parental supervision of children, and also a lack of parental support for the school system.

Now, obviously, there are short-range goals and solutions, and there are long-range goals and solutions. First, we would like to talk amout immediate action that can be taken, and some of the solutions to be found for the high school and junior high school students who simply are not going to stay in the usual classroom setting without being a constant source of disruption. This is a problem in which parents and students must be included in seeking a solution.

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[1] See p. 39.

Depending on the financial capability of the school district, special schools or special classes can be set up; arrangements for in-school suspension can be developed where the child remains in school, but in a separate setting than in the classroom; and Mrs. Edelman spoke about some things that are going on in Chicago. They do have in-school suspension programs for elementary children, children that cannot stay in the usual classrooms, but need attention in different classrooms.

Various ways of working with these students have been tried, and some very successful programs have been developed. The most successful involved the parents and the students in the planning, as well as parents and counselors working closely together with the students. There have been some examples where parents of students with problems have actually been employed as aides to the counselor, and the results have been good.

Within the current law provisions should be made, if possible, for young people to "stop out" of school—not drop out but "stop out" without it being viewed as defeat, or failure, and with the opportunity to return to school without penalty. Sometimes, when a child has dropped out, it's very difficult for him to come back.

INTERNSHIPS—SCHOOL WORK PROGRAMS

In some areas an attempt is being made to develop a system of internship, a more liberal arrangement of school work programs for young people over 14. This is an area where not only compulsory school attendance laws, but also child labor laws, need revision. Parents need to be well informed as to the existence of such programs, that cooperative school work programs are available to all children, with no stigma, and that these are not dummy programs, as sometimes has been the feeling of the general public. Until parents understand and accept this, it's even very difficult for counselors to outcounsel the parents who have a misconception of the work programs.

With approximately 500,000 teenage alcoholics in our country, parents must be alert to the fact that alcohol is readily available to their children at home, at a friend's home, a playground, and even in a friend's lunchbox. Drug problems, including alcohol, contribute to poor health, poor mental health, poor study habits, and low achievement; and all of these lead to behavior problems that can lead to violence and vandalism.

The National PTA has been working on this problem, and funded through NIAAA, we have in the past year had 18 States involved in projects, working with parents, students, and school administrators, not only giving information to young people, which we think is important, but, what we think more important, giving help in developing the decisionmaking skills required to be able to decide on what is responsible behavior.

This is a drinking nation, and we are not going to stop kids from drinking, but we do have an obligation to help them decide how to drink responsibly.

We believe that adult behavior appears to establish public policy. With adults involved in protests, strikes, disturbances, often in a manner of civil disobedience, and often by people in leadership in the community and Nation, it's easy to understand why a kid would think that if he didn't like the principal, or the teacher, or the kid across the aisle, he has the right to throw a rock through the window just because he wants to.

Many parents want to be involved in the education of their children, however, they want to be involved in the decisionmaking process, and not just told what to do, or what they cannot do, after the decisions have been made. For example, they resent being asked to monitor the halls when they are denied the opportunity to work in the library, or as aides in the classroom to help the children with urgent problems. We think it's important in some cases that parents work as monitors in school. We think it's important not only to keep the peace, but because they then begin to have a feeling of what is going on in school, and they become a part of the school.

PTA groups are anxious to assist school personnel in any way possible. Parents want to send their children to a school feeling that they are safe. PTA members are innovative and have found many ways of involving parents and the community in the school, even organizing such perfunctory things as regular tours through the school, and getting people into the school who have never been there before.

If the school is a community center, the vandalism appears to be reduced. It really isn't so important what the parent is doing in school, it doesn't matter whether he goes there to stir chili, for a basic reading class, or adult education, or to assist a slow reader, or to check a child's eyes. It seems to be the fact that the parents are in school that makes the difference.

We believe that students should be punished by the law when they are involved in assault, or violence of any kind. A school should not become a sanctuary out of the reach of the law, and teachers and principals cannot depend solely on school penalties. Parents must be held liable, financially, for the attacks of vandalism perpetrated by minors. The PTA has many success stories where parents have gone into the schools and acted as monitors, aides, tutors, playground and cafeteria assistants, and conditions have improved.

TV PROGRAMING MAJOR PROBLEM

The delegates at the National PTA in the spring gave a clear directive that they are concerned about TV programs; and I have attached to this paper a resolution [1] passed by our people. We believe that TV programing is a great problem, and we are moving into this area on our own as rapidly as we can. The California PTA has a rather sophisticated project of monitoring TV programs, and disseminating information to their people as to the programing that their children will be watching. Also, our convention body supported the control of handguns and ammunition, and the banning of the Saturday Night Special.

The availability of guns to young people, especially in our cities, we believe, contributes to the problem. We know that knives, pipes, clubs and many other weapons are used, too, but guns are easily concealed and deadily.

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[1] See p. 46.

I want to, before I finish, say that we have been doing some pilot work on absenteeism, absenteeism of very young children. I hadn't seen this report of Mrs. Edleman before I came here, they may have much more complete data. But, in a very perfunctory study 2 years ago we found that every day there are approximately 6 percent of elementary schoolchildren absent from school. Now, we think the patterns of truancy develop from early absentee problems. We have had five pilot projects going on in States to see what can be done to help children to be in school, in the elementary schools; this is fundamentally a support service that is needed for parents. I will be glad to share that information with you in the sense we are talking about it here.

Senator BAYH. I would be very interested in any information you have concerning the various types of programs which proved successful. We are especially interested in those programs where parents can get involved.

Mrs. KIMMEL. I think that is one of the things we are most concerned about, and I should say that we are equally interested in including non-PTA people in any programs that we have which would be beneficial to the school.

HOME LIFE—BASIC ELEMENT OF SOCIETY

Now, in summary, I would like to say that long-range programs, we believe, are fundamentally a change in the attitude of people, and I know you can't legislate that. The PTA has long believed that the home is the basic element of society, and we still do. We believe that if children are to achieve at a higher level, be educated in good health habits, develop better emotional health through the ability to make responsible decisions relative to their personal growth and relationship with other people, the family unit must be strengthened.

Dr. Wilson Riles, superintendent of public instruction in California, believes that this must begin early; and you may be aware of his early childhood education program. Last year over 100,000 parents worked in California schools in the early childhood education programs as volunteers, under a teacher's supervision. Not only does this reduce the adult-pupil ratio in the class, but it helps parents to be better parents. You spoke to this briefly before, so did Mrs. Edelman.

We must begin in early childhood to prepare young people to be better parents. If we wait until high school, many have had their first or second child. Last year over 250,000 girls, 17 or under, gave birth to babies—many to their second child. And last year one out of three mothers of preschool children were in single-parent homes. Unless these homes can be strengthened, schools will receive more and more disturbed children, and the problems of violence and vandalism will continue to grow. The PTA, as well as other organizations, can and most provide leadership in preparation for parenthood; and we also have programs which exist, which I will submit as information to you. We must not only prepare young people for parenthood, but continue their education as parents.

The PTA has long believed that young people need to know and appreciate their American heritage, the rights and responsibilities of citizenship. In this Bicentennial year we are even more aware of the lack of knowledge of citizenship. With this must come a clarification of values, personal and social, as a contributing member of a democracy. These values cannot be taught by the school alone, but must be taught by the home and the community, by example of the people in leadership. Only when young people value themselves, and their rights and responsibilities as citizens, will they value human life or property.

Thank you for hearing our views. We are willing to assume our share of the responsibility for the problems of our society, and will attempt in every way possible to assist the school and the community. We urge the schools to let the parents in, for the schools do not belong to the teachers, or the administrators, or the school board, it belongs to the public.

We urge Congress to take the necessary steps to support the family, and to assist the schools in developing such programs as will provide meaningful learning experiences for all children, including the fundamental concepts of citizenship. We urge the leadership of this Nation to show, by example, the necessity to obey the laws of the land, while working to change the laws with which they disagree. We see our role as a supporting group.

I will send to you the information that we have on the work that we have done on in-school suspension and absenteeism and their apparently very vital role.

Thank you for letting us come.

Senator BAYH. Thank you very much, Mrs. Kimmel, you and your organization. We look forward to receiving that additional information.

STATEMENT OF MRS. WALTER G. KIMMEL, PRESIDENT, NATIONAL PTA

NATIONAL CONGRESS OF PARENTS AND TEACHERS
700 North Rush Street, Chicago, Illinois 60611

I am Mrs. Walter G. Kimmel, of Rock Island, Illinois, president of the National PTA.

The National Congress of Parents and Teachers (National PTA) is a volunteer organization. It was founded in Washington, D. C., in 1897. The work of the National PTA in promoting the welfare of children and youth, is carried on through its 33,364 local parent-teacher associations (PTAs) and its fifty-two branches, which include all states in the Union, the District of Columbia, and the European Congress of American Parents, Teachers, and Students. The memberships of all local PTA units total 7,057,030.

Our organization has reacted to the specific legislation involved in this hearing. Last week the Board of Managers of the National PTA selected "School Violence and Vandalism" as a priority of concern in our legislative program by adopting the following statement:

> The increasing intensity and frequency of violence and vandalism in the schools threatens serious disruption of the educational process, the safety of teachers and students and poses an enormous financial burden on local school systems. Hearings before a U.S. Senate Committee in April 1975 indicate the costs of vandalism, arson, and theft in the schools are in excess of $600 million, more than the national amount spent on textbooks for every public school student in 1972. In addition, schools are diverting funds badly needed in the improvement of the educational program to security personnel and equipment.
>
> Legislation is being developed to assist schools to determine the causes of violence and vandalism, to develop and fund alternate programs for students who do not seem to benefit from the regular school setting, to provide assistance to schools for teacher training and necessary security measures, and to work cooperatively with states and local systems to reduce the financial and human drain on the effectiveness of the schools. Special attention is necessary to insure effective programs within constitutional limits and the active participation of parents and students in the resolution of the problem.

Having spoken to the specific legislation, I would like to direct my comments to a broader discussion of possible causes and solutions as we see them.

We, the National PTA, believe that this is not a school problem alone. It is a reflection in part of the home and the community in which the child lives. We believe that the parents must be involved in the analysis of the problem and the search for solutions. Others here are to speak to Students' Rights specifically, so I will not belabor the point. But we believe that students, parents, school personnel, and community leaders must work together to make policy or to enforce it effectively.

The first and most perplexing issue is why violence and vandalism has increased so rapidly in the last ten years. There seem to be several assumptions:

1. Many students simply do not want to be in school. The laws make it very difficult for them to leave school. Alternate programs must be developed if all the children are to be served. Alternate programs are expensive and, whether funded with federal funds, state money, or local property tax, the

parents and general public must be involved in the planning in order to be willing to support such programs.

Since the law does not permit young people to drop out or to find employment under 16 or 18 years of age, more thought must be given to the types of discipline used, to the suspension or expulsion policies of the school. Suspending a truant only provides success for him -- this was his goal -- but it does not improve his education or his ability to cope with his problems. However, he should not be permitted to interrupt the education of the children who do want a school with a climate for learning.

Patterns of truancy and potential dropout begin early. A rather perfunctory study has indicated that approximately 6% of the students are absent each day from school nationwide. This is a great loss to the economy of the school system as well as to the ability of such children to succeed.

2. What is the influence of the public media? We are all familiar with the figures of how much time young people spend in front of television. We do not know how much time is spent at movies or in reading. We are led to believe that students read much less than in the past. However, all media carry an increased amount of violence. I understand that movie makers are resistant to produce a film which would be rated "G" for fear of financial loss. Unless it is at least rated "PG," it has no drawing power.

   Violence appears in the news -- violence and war and civil disturbances get top billing in the newspapers and news programs.

   According to the studies done by your committee, some school administrators felt that little could be done in the schools as long as the public permits and condones this type of public media. In some big cities, school personnel have said that the violence in the schools definitely follows a pattern of what the TV programs have shown the week before -- the students are given excellent instruction in how to create disturbance and destruction of both human beings and property.

   Some educators also believe that the increased amount of time spent watching movies and TV tends to lessen the child's attention span, his ability to communicate verbally with the family or other children, and is a deterrent to learning. This in turn creates problems in the school which lead to behavior problems that contribute to the feeling of hostility in the child. Also, the fantasy world of the media appears to remove the child from the reality of responsibility for his actions in relation to other people.

3. Increased use of drugs, including alcohol, by students. There is evidence that the use or pushing of drugs or alcohol in the school is often a part of the violence or vandalism that follows. Lack of understanding, or the unwillingness of parents to accept the fact that this is a problem, increases the difficulty. Alcohol especially is readily available to many children and young people in their own homes, with no one at home to supervise its use. The need for money to buy drugs is often a part of the robbery or shakedown operations in the schools.

4. Unrest in the adult society provides an example of public policy relating to the necessity of obeying the laws under which society operates.

   As I write this, I am listening to the news -- people marching in the streets, troops in our cities, protests and strikes across the nation (often where striking is against the law and where striking is, in the least, considered civil disobedience). We know that political parties, when planning conventions, believe that police trained in handling anticipated disturbances must be available.

Why would students have any reason not to believe that "might makes right"? What is really the difference between adults breaking the law and youngsters setting fire or breaking windows because they don't like the school, the principal, the teacher, or the kid across the aisle?

Dr. Wilson C. Riles, California Superintendent of Public Instruction, recently said, "Unless your leadership stands up strongly and speaks out for law and justice and peace and fairness, the people are just going to fly apart."

5. Lack of willingness of community leaders to recognize the problems and become involved in the solutions. Untold harm is done to a school system by irresponsible rumors regarding the behavior of students. It makes good press to report a "riot" at the high school, when there has been only a slight disturbance. Community leaders often call the school superintendent or the school board president to ask, "What is the problem at the high school? This sort of publicity is bad for the sale of property in the community and the chamber of commerce doesn't like it!" But when asked how long it has been since one of the questioners has been in the high school, except for an athletic event, few or none at all have been there for years, or are willing to take a few hours from their busy lives to walk through the school during class hours. Is it any wonder that school personnel and school boards cry out against this criticism and resent being asked to cope with the problems of the community alone?

6. Many parents do not feel comfortable in the schools. Whether intentional or just the result of size, complexity of administration, or lack of time for parental contact, many parents feel shut out. We know many children no longer go to a neighborhood school, many teachers do not live in the area of the school, or even in the same town. Both parents often are working and the "usual" hours for parent-teacher conferences or meetings are not possible for them. Teachers and administrators are reluctant to revise their schedules to accommodate these problems.

7. Lack of parental supervision of children and support for the schools. I do not leave this item until last in my observations because I think it is the least important, but because I think it is a part of all of the above mentioned problems, and because from here on I want to talk about what I think we as parents, teachers, community leaders, public employees, and governmental leaders can do to change the picture. Almost all of us are parents regardless of our work, our position in the community, or membership in an organization such as the PTA.

Obviously there are short range goals and solutions, and long range goals. First, let's talk about immediate action that can be taken. Some solution must be found for the high school or possibly the junior high school student who simply isn't going to stay in the usual classroom setting without being a constant source of disruption. This is a problem in which parents and students must be included in the seeking of solutions. Depending upon the financial capabilities of the school districts, special schools or special classes can be set up. Arrangements for in-school suspension can be developed where the child will remain in school but in a separate setting than in the usual classroom. Various means of working with these students have been tried and some very successful programs have developed. The most successful involved the parents and students in the planning, as well as parents and counselors working closely with the students. In some schools, parents of children with problems have been employed as aides to the counselors and the results have been good.

Within current laws, provision should be made, if possible, for young people to "stop out" of school -- without it being viewed as defeat or failure, and with the opportunity to return to school without penalty. In some areas an attempt is being made to develop a system of internships or a more liberal arrangement of the schoolwork program for young people over 14. This is an area where not only compulsory school attendance laws need revision, but also child labor laws. Parents need to be well informed as to the existence of such programs, that cooperative schoolwork programs are available to all children, and with no stigma that these are "dummy" programs. Until parents understand and accept this, it is very difficult for counselors to "out-counsel" parents.

Absenteeism is a pattern that starts early and leads to dropouts and juvenile problems. The National PTA has created pilot projects in five states to study absenteeism in the elementary schools and to determine what might be done to lower the rate of absenteeism in the early grades. Several observations have been made. Absenteeism often reflects the attitude and work pattern of the parents. No one may get up to get children off to school. Some parents think it is of no significance that a child misses part of his education when he is absent -- what is a day in school? On the other hand, some children are not in school because the youngster has missed the bus and there is no one to take him, or he has no coat or shoes or rain coat, or he woke up sick and was late and the mother has no way to send him late to school. PTAs have found that if parents -- instead of the school principal, the school nurse, or the security officer -- call the home of each child that is absent, they are more likely to find the real cause and be able to offer assistance: "Can I come and get Johnny if he missed the bus or was sick, but now feels like coming to school?" "We have a supply of clothing here at the school -- could I come and get you and Johnny and we will pick out what he needs here." The fact that someone cares enough to try to help is important. Also, schools have used the buddy system, where each student has a buddy who calls if his buddy is out and reports if there is a need, or who takes books or papers if the child is sick. Fundamentally, it is a system of caring. The more a child is absent, the more he is going to be absent, the harder it is to go back and the more his education suffers, and the more behavioral problems he has when he is in school. It is essential that attention be given to absenteeism in the early grades as well as in high school, and we believe PTAs and parent groups are the most helpful source available to the school.

Parents need to face up early to the facts of drug and alcohol use in the home and the school. With 500,000 teenagers drinking to excess, parents must be alert to the fact that alcohol is easily accessible to their children -- in their own homes, their friends' homes, on the playground, even out of a friend's lunch box. Many parents are not at home when their children leave for school. There may be beer, but no milk in the refrigerator when the child awakens and prepares his own breakfast, or eats none. In the long haul these problems contribute to the child's poor health and poor learning habits and achievement, which in turn lead to behavioral problems related to violence and vandalism. Other drugs are not always as readily available, but are also used by large numbers of our students.

Parents, students, and school personnel need to talk about these problems. Children must be given information about drugs and alcohol, but must also be given assistance in developing decision-making skills -- they must be assisted in making value judgments in order to decide for themselves whether to drink or not, to use drugs or not, to join the gang that is involved in vandalizing the school or not. If young people decide not to participate, they must feel the support of parents, teachers, and peers -- peers who also choose not to participate or who respect their decision not to.

PTAs have funded 18 projects in states to assist parents and students in making responsible decisions about alcohol. In these projects, we believe an estimated 471,500 people were reached directly last year, and possibly 10 to 15 million were reached indirectly through materials and the media. We expect to reach at least twice that many students and parents next year through the continuation of these projects and the addition of many more states to the program.

Many parents want to be involved in the education of their children. However, they want to be involved in the decision-making process, not just told what they can do or cannot do after the decisions are made. They resent being asked to monitor the halls, when they are denied the opportunity to work in the library or volunteer as aides in the classroom. We think it is important in some cases that parents work as monitors in the halls. We think it is important not only to help keep the peace, but because they begin to feel a part of the school. They know whether the rumors are correct or hearsay when someone "downtown" says, "You know a white girl can't use the bathroom without giving a black girl a dime." They know the children that cause the most trouble in school and can work with the parents as well as the children. Many of them relate better to the parents and the children than does the counselor or principal. When parents feel a part of the school, they want to make it a better place for their children; they gain a feeling of knowing the staff and are better able to interpret the atmosphere of the school to others in the community.

We believe that students should be punished by the law when they are involved in assaults or violence of any kind. A school should not become a sanctuary from the reach of the law. Teachers and principals cannot depend solely on school penalties. Parents must be held liable financially for the attacks and vandalism perpetrated by minors. The PTA has many success stories where parents have gone into the schools to act as monitors, aides, tutors, playground and cafeteria assistants and conditions have improved.

The delegates at the National PTA convention in the spring gave a clear directive to the organization that we must try to make a difference in what children and young people view on television. We are moving in that direction as rapidly as possible. The California PTA has a highly organized monitoring system established in which PTA people view television shows, and rate them, and publicize this information to assist parents in supervising their children's television viewing. The resolution attached asks for improved programing by the networks. We believe this is a cause in which the entire nation must become involved. Probably only when pressure is brought to bear on the sponsors will real progress be made.

The convention body also supported the control of handguns and ammunition and the banning of "Saturday night specials." The availability of guns to young people, especially in our cities, contributes to the problem. We know that knives, pipes, clubs, and many other weapons are used, but guns are easily concealed and deadly.

PTA groups are anxious to assist school personnel in any way possible. Parents want to send their children to school feeling that they are safe. PTA members are innovative and have found many ways of involving the parents and the community in the school -- even to organizing regular tours through the schools for the parents and other members in the community. If the school is a community school center, the vandalism is usually reduced. Whether the parent comes to school to stir chili for the school frolic, to take basic reading in the evening adult education class, to tutor slow readers or to check the children's eyes -- the fact that he or she is in the school makes a difference.

However, the long range solution must be a change of attitude in the people of the nation. The PTA has long believed in the home as the basic element of society. We still do. We believe that if children are to achieve at a higher level, be better educated in good health habits, develop better emotional health through the ability to make responsible decisions relative to their personal growth and relationships with other people, the family unit must be strengthened. Dr. Wilson C. Riles, Superintendent of Public Instruction in California, believes that this must begin in the early grades and parents must be a part of the program. Last year over 100,000 parents worked in the California schools in the early childhood education program as volunteers under a teacher's supervision. Not only does this reduce the adult-pupil ratio, it helps parents to be better parents.

We must begin in early childhood to prepare young people to be better parents. If we wait until high school, many have had their first or second child. Last year over 250,000 girls 17 or under gave birth to babies, many to their second child. Last year one out of three mothers of preschool children were in single parent homes. Unless these homes can be strengthened, schools will receive more and more disturbed children and the problems of violence and vandalism will continue and grow. The PTA, as well as other organizations, can and must provide leadership in preparation for parenthood and continued education for parents.

The PTA has long believed that young people need to know and appreciate their American heritage -- the rights and responsibilities of citizenship. In this Bicentennial year we are even more aware of the lack of knowledge of citizenship. With this must come a clarification of values, personal and social -- as a contributing member of a democracy. These values cannot be taught by the school alone, but must be taught by the home and the community, by example of the people in leadership. Only when young people value themselves, and their rights and responsibilities as citizens, will they value human life or property.

Thank you for hearing our views. We are willing to assume our share of the responsibility for the problems of our society, and will attempt in every way possible to assist the school and the community.. We urge the schools to let the parents in for the schools do belong to the public, not the teachers, the administrators or the school board. We urge Congress to take the necessary steps to support the family, and to assist the schools in developing such programs as will provide meaningful learning experiences for all children, including the fundamental concepts of citizenship. We urge the leadership of this nation to show by example the necessity to obey the laws of the land, while working to change the laws with which they disagree.

Hardware and security guards will protect the property and reduce violence to some extent, but only through changing the environment in which our children grow will the basic causes of violence and vandalism be met.

NATIONAL CONGRESS OF PARENTS AND TEACHERS
700 North Rush Street, Chicago, Illinois 60611

EDUCATING FOR CITIZENSHIP

(Adopted by the 1966 convention delegates)

WHEREAS, The National Congress of Parents and Teachers recognizes the critical need to create a public moral commitment to uphold and respect the rights and liberties guaranteed by the Constitution and laws of the United States, and

WHEREAS, We recognize the critical need to arouse the American people to an examination of our goals, the values we live by, and the quality of our national life, and

WHEREAS, We reaffirm our belief that nothing could be more dangerous to our cherished democracy than failure to understand fully and appreciate deeply its values, privileges, and responsibilities; therefore be it

Resolved, That we encourage our nation's homes and schools to intensify their teaching about our American heritage and the rights and responsibilities of citizenship; and be it further

Resolved, That PTAs at all organizational levels be encouraged to use the valuable resource materials available from the National and state PTAs in presenting, through responsibly planned programs, the fundamental concepts of citizenship in our American democracy

NATIONAL CONGRESS OF PARENTS AND TEACHERS
700 North Rush Street, Chicago, Illinois 60611

RESOLUTION

Adopted by the 1975 National PTA Convention

VIOLENCE IN TV PROGRAMING

WHEREAS, Children spend countless unsupervised hours watching TV; and

WHEREAS, The choice of program offerings often is less than desirable, with much emphasis on violence; and

WHEREAS, Children are known to imitate observed behavior and actions; and

WHEREAS, Statistics reveal an alarming increase in crime committed by younger and younger children; and

WHEREAS, The Surgeon General's report states that there can be a cause-and-effect relationship between watching violence on TV and agressive behavior in children and young people; and

WHEREAS, At this time TV programing is self-regulated by the broadcasting industry through the National Association of Broadcasters (NAB) TV Code, a voluntary code not subscribed to by all stations and the provisions of which are repeatedly violated; be it therefore

Resolved, That the National PTA urge its state congresses, districts, councils, and local units to observe and monitor TV programing and commercials in their areas; and, where an excessive amount of violence in programing is seen, to make known their views with documented reporting to sponsors of the program, with copies to the local TV stations, to the TV network, to the NAB, to the Federal Communications Commission, and to their elected representatives; and be it further

Resolved, That the National PTA demand from networks and local stations reduction in the amount of violence shown on television programs and commercials during the entire day, with particular attention to viewing hours between 2:00 p.m. and 10:00 p.m. and weekend morning hours, when impressionable children and young people are most likely to be watching; and be it further

Resolved, That the National PTA through its state congresses, districts, councils, and local units demand, if the self-regulation of programing and commercials by the broadcasting industry does not result in better TV programing with less emphasis on violence, that the Federal Communications Commission establish and enforce regulations limiting the number and percentage of programs of violence to be presented each day.

PTA
NATIONAL CONGRESS OF PARENTS AND TEACHERS

Office of the President

700 North Rush Street
Chicago, Illinois 60611
(312) 787-0977

September 22, 1975

The Honorable Birch Bayh, Chairman
Subcommittee to Investigate Juvenile Delinquency
United States Senate
Washington, D. C. 20510

Dear Senator Bayh:

Thank you for inviting me to participate in the September 17 hearing on violence and vandalism in the schools before the Subcommittee to Investigate Juvenile Delinquency. I appreciated this opportunity to present the PTA's point of view.

I am forwarding some materials for the Subcommittee's consideration:

> Presentation by Judge Don J. Young, "The Judiciary View on School Suspensions," on July 24, 1975, during the National PTA Conference on School Absenteeism.
>
> Resolution on in-school suspensions, adopted at the 1971 National PTA convention.

Mrs. Odie Penny of the Chicago Public Schools discussed in-school suspensions during our Conference on School Absenteeism. We do not have a copy of her presentation, but you may want to get in touch with her for additional information:

Mrs. Odie Penny
1031 West 107th Place
Chicago, Illinois 60643

As a result of the Absenteeism Conference, the National PTA will be producing a brochure which will be sent to all local PTA units. Let me assure you that I will also forward a copy to you when it is available.

The National PTA, as you know, is greatly concerned about violence and vandalism in the schools. We will keep in touch with the Subcommittee and will continue to send you materials that we think are pertinent.

Sincerely,

Carol K. Kimmel

Mrs. Walter G. Kimmel
President

CKK:ca (Enc.)

NATIONAL CONGRESS OF PARENTS AND TEACHERS
700 North Rush Street, Chicago, Illinois 60611

RESOLUTION

Adopted by the 1971 Convention of the National Congress of Parents and Teachers

RESOLUTION ON IN-SCHOOL SUSPENSIONS

WHEREAS, Our public school system is designed to meet the needs of all children, including those whose problems present the greatest challenge to teachers and school administrators; and

WHEREAS, Students with disruptive behavior patterns should not be kept in regular classrooms when they jeopardize the learning of other students; and

WHEREAS, Students who violate existing school rules and regulations are often subject to suspension; and

WHEREAS, When suspension from school occurs it often adds to the problems of the students, the school, and the community; and

WHEREAS, Suspended students upon returning to school may have suffered academically because of such suspension; therefore be it

Resolved, That the National Congress of Parents and Teachers, its state branches and local units, should encourage school authorities to give favorable consideration to the establishment of in-school suspensions for these students, where practical, considering the best interests of all students; and be it further

Resolved, That the National Congress of Parents and Teachers, its state branches and local units, encourages the voting public to support financial resources and appropriate programs necessary for implementation of this resolution.

Judge Don J. Young
July 24, 1975

THE JUDICIARY VIEW ON SCHOOL SUSPENSION

Even though a person be a member of the judiciary, to express the judiciary's view on anything is, as Koko said about self-decapitation, "an extremely difficult, not to say dangerous, act." It is even more dangerous if the one giving expression is that low man on the judicial totem-pole, a trial court judge. Fortunately, however, while a judge's decisions can be, and often are, reversed by the appellate tribunals, his off-the-bench pronouncements are not subject to reversal. Moreover, if, with a little luck, he can succeed in getting his remarks into print, they may even be respected as authorities by the same high courts who treat his decisions so cavalierly.

Thus, it is always tempting for a judge, on such occasions as this, to assume an oracular role, and speak as if his views really were the views of the judiciary. It is therefore well for all of us to remember that in this country, only the Supreme Court of the United States can really be said to express the view of the judiciary on any particular problem. Unfortunately, all too frequently, that august body does not speak with one voice or express a single view.

It is true that the Supreme Court has in the past few months expressed some views upon certain school problems, including the problem of school suspension. I was not surprised by the decision. Four years previously I had resolved the problem the same way. ~~It is true that~~ After I did so the students at the school staged a riotous demonstration in protest of the ruling. A number of groups of educators invited me to debate the subject at their meetings. Attempts to get the General Assembly to enact a suspension statute embodying the ruling were defeated by the school administrator's lobby in two sessions, although the legislation was supported by the teacher's union. It could hardly be said that my ruling appeared to represent the views of more than a minority. Now the Supreme Court of the United States has expressed the same view. Since its word is law, the majority is defeated. But the question still remains, "What is all the fighting about?"

Perhaps the fighting is really just a manifestation of the superficiality with which, in our complex modern society, we approach many of our fundamental problems. Actually, what is involved in the question of the legal mechanisms for school suspensions is a matter of fairness in the administration of discipline. Thus stated, the question obviously has only one answer, but even this is an overlay on a much more difficult question which is far more a matter for educators than for lawyers to deal with and resolve.

That question is: If the end of education for all children is sought, can any child be excluded from school, either because of incapacity or unwillingness to accept education? If the educational system can develop to the point of being able to make a negative answer to this question, no one will turn to the courts. Somehow an answer must be found to the criticism voiced some time ago by Judge David Bazelon of the United States Circuit Court of

Appeals for the District of Columbia,

> "[T]oday's schools are staffed and structured for a limited mission, and their vitality is sapped by the demands of oppressive bureaucracies."

Judge Bazelon was urging the courts to refuse to deal with school discipline cases,and he went on to say,

> "The school will have to learn to work out disputes between teachers and pupils, without turning the troublemakers over to some other agency. It must above all not let go of the youngster, no matter how irritating and upsetting he is. It must not lose him to the streets."

The old song about "readin' and writin' and 'rithmetic, taught to the tune of a hickory stick" which presents a vision of harsh and arbitrary discipline, is no longer acceptable, if indeed it ever was. The troublesome words "due process" are only legal argot for "fair treatment." What is fair can only be determined in each individual instance, and requires mainly the recognition that there are always two sides to a controversy, both of which should be heard before a ruling is made.

If the schools are not to lose children to the streets as they have been losing them in increasing numbers, the first step is to recognize that there is no conflict between fairness and discipline. As a matter of fact, if strict discipline must be maintained, it is infinitely easier to do so in an atmosphere of fairness.

However, the harsh reality is that the schools are losing the children to the streets, and they have been losing them for a long time. When, after Sputnick, there began to be much discssion of the problem of the so-called "school drop-out," there were some people concerned with the problems of school absenteeism who would not use the term "drop-out." It was painfully apparent to one who looked at the situation dispassionately, that it was the school system, not the child, that was the drop-out.

I still remember an occasion when a big, nice-looking dim-witted sixteen year old boy came into my court for truancy, and not for the first time. His problems had been thoroughly explored and clinically evaluated. He put his head in his hands, and began to cry, saying "Judge Young, I just can't stand it in school!" My heart went out to him, for the school only offered a formal college preparatory course, or a vocational agriculture course designed to train scientific ~~individual~~ industrial farmers. It offered him nothing but failure. How long could anyone stand it to bump his head constantly against a stone wall? This boy, and thousand like him, broke, and are still breaking, under the strain.

We can remember, also, the Conant report, which tried to solve such problems by designing a universal, all-encompassing curriculum which would meet the needs and fit the abilities of every child. But it envisioned enormous schools, so that there would be enough pupils of every possible description to avoid having an uneconomically small number of pupils in each of its multitude of specialized classes.

With the increasing concentration of our population in urban regions, more and more secondary schools are found with thousands of students, so that perhaps Conant's ideas could be used. Unfortunately, what is happening instead is that such schools are so large that they succumb to the curse of bigness. That is, they come to be operated more for the convenience of their administrators than for the benefit of those whom they are meant to serve. Children enter those monstrosities at a crucial stage of their development, the point where they are seeking to find their own identities. In those schools they find that no student has any identity as an individual. The student is nothing but a computer number. Ask any child psychiatrist what he is seeing as the result of this system.

When anyone pays any attention to history, our popular history paints a picture of universal, compulsory schooling as a part of the American ideal since the days of the Pilgrims. Of course, there was and is no such thing. The compulsory school laws generally are little more than a century old, and they have never been either all-inclusive or strictly enforced. It was not until the beginning of this century that the adoption of child-labor laws began to make the compulsory school laws more effective. In spite of that, large numbers of children have been excluded from or have eluded their provisions.

Basically, the public is bitterly hostile to children. The emphasis on according children the constitutional liberties of the subject, which is evident in the Gault and Winship cases, as well as in the recent school decisions such as Goss v. Lopez, and Woods v. Strickland, is in reality one manifestation of this feeling. Another is in the adoption of legislation or constitutional changes lowering the age of majority, or reducing the age limit for juvenile court jurisdiction. The public relieves itself of responsibility for taking care of its children by arbitrarily forcing adulthood upon children at an increasingly early age without the slightest recognition of the biological realities of human growth. At the same time, and in a completely contrary approach, both capital and labor have for many years been united in an effort to keep children off the labor market as long as possible, using the compulsory education system as a mechanism for accomplishing this end.

One result of such conflicts as these is seen in the totally contradictory legal approaches presently being taken in problems involving children. The efforts of one school of legal eagles to use the courts to secure due process rights for children in the school system and in the juvenile courts is at loggerheads with the efforts of another legalistic group which is striving to eliminate matters of truancy and discipline, as well as problems of dependency and neglect, from the court system. Those taking this approach, who have not been too successful in the courts, have recently announced their determination to take the matter to the legislatures.

Still another group is undertaking to make the school system literally universal and compulsory. As the result of their efforts some cases are being decided which require the public schools to provide special education for severely handicapped children, whatever the handicap. Public school boards have been ordered to pay the tuition of children in private schools that offered programs not available in the boards' schools. These people also attack the laws which permit disciplinary suspensions or expulsions. Obviously, if the objective is to have every child in school all during childhood, either suspension or expulsion is intolerable.

In a situation of such confusion and conflict, the temptation is almost irresistible to leave the resolution to the judicial branch of the government. Unfortunately, however, there are many disputes which the courts have no power to decide. And if the judiciary has no power to decide a particular question, its views as to how the question should be decided are of little value. Certainly when the legal professionals are pulling in all different directions as to what the law should be, they deprive the courts of their working tools, for law that is uncertain is of little value in deciding cases.

It does not appear to me that the answers to the problems of school suspensions, absenteeism, and school discipline can be solved by presenting them to the courts in the form of civil or criminal lawsuits. Those who are truly concerned with these problems ought not to yield to the temptation to resort to the courts in the hope of getting quick, simple, and easy answers to these problems.

Nor is there any real necessity to go to the courts. If all of the Supreme Court's decisions in children's cases are analyzed, stripped of legal verbiage, and reduced to essentials, they say the same thing: children must be treated fairly when they are subjected to the authority of the state. As Judge Paul Alexander put it, many years ago "Injustice to a child should be unthinkable, unforgivable." It is really so easy to determine whether injustice is being done to a child that I never cease to wonder why it is necessary to come to court at all, much less to the Supreme Court. All one has to do is ask himself one question: "How would I feel about it if what was done to this child were done to me?"

In general, the laws governing school attendance and school discipline have stood on the statute books essentially unchanged for close to a century now. They need to be reviewed to see how well-suited they are to the vastly changed society of today. One thing about them is crystal clear. They do not even pretend to create a system of universal, compulsory education for children. We should stop deceiving ourselves that they do create such a system, or that we have such a system.

The fundamental question is, do we want or need an educational system that encompasses every child during a specific part of his or her childhood? That really is not a justiciable question, in spite of the current efforts to make it so. If we concede that the nature of man is such that he, alone of all animal life, must be taught in order to survive, then the answer to that question must be that we need such an educational system, regardless of whether or not we want it.

If we are going to have such a system, then we must recognize that there can be no way for a child to escape it. As Judge Bazelon says,

> "It must above all not let go of the youngster, no matter how irritating and upsetting he is."

How difficult it will be to attain that objective will depend in considerable measure on what function of the system is made the most important. If the must important function of the system is to teach, it will be much easier to hold onto the child than if the most important function is to keep the child out of the labor market as long as possible.

A truly universal compulsory educational system would pose far less legal and constitutional problems than what we have now. There is no doubt that so long as children are treated fairly, they are not entitled to all the protections that the Bill of Rights accords to adults. Thus, for example, they cannot claim that requiring them to attend school deprives them of their liberty without due process of law. In this connection, the words of

Mr. Justice Frankfurter are very applicable:

> "Children have a very special place in life which the law should reflect. Legal theories and their phrasing in other cases readily lead to fallacious reasoning if uncritically transferred to a determination of a state's duty toward children.

Much of the litigation which today makes school personnel feel that the courts are trying to run the schools results from the failure of courts and lawyers to understand and accept Mr. Justice Frankfurter's dictum. But much of it also results from the failure to recognize that the rules for avoiding conflict are the same in the schools, in the law, and in life.

If the rules are clearly established in advance, and if they apply equally to everyone subject to them, both in form and in practical application, there is no room left to make constitutional arguments about their validity. If the old and the outmoded compulsory education laws are revised with these standards in mind, we should have an end to our present legal difficulties.

Theoretically, under our present school system, with its exclusions, suspensions, and expulsions, it is impossible to tell whether a child who is on the street during school hours is there lawfully or unlawfully. If he is there unlawfully, he should be held to answer to the law, but rarely is there any attempt to require him to do so. When the attempt is made, and the child is confined, all too often it is given little or no schooling during confinement. Either way, the child is lost.

There is no constitutional reason why this should be. Obviously a child who seriously disrupts a regular school classroom cannot remain in the classroom, but there is no reason why he cannot be kept in a separate place in the school, or if need be, in a separate school. The latter, at least, has been done for a long, long time, and I am aware of no case holding it unconstitutional, or even unlawful.

If the result of failure to conform to school discipline is the imposition of more rigid control, or the loss of privileges, instead of being set free from school entirely, much of the incentive for misbehavior is lost. If there is no escape from the system but to earn one's way out of it, and the price to be earned is at all times clearly stated, resorting to the courts is futile.

The elements of a universal, compulsory, education system are already present in our school laws. All that needs to be done is to plug the loopholes, to unbend the rigidity of the laws, and above all to recognize that each child is a person, uniquely individual, who is to be taught to develop whatever potentials that child may have. This would perhaps require a greater spectrum of classes and schools, public and private, open and closed, than even the Conant report envisioned. It is not beyond our resources and our technology to create such a system, but it cannot be done by judicial fiat. I think it is safe to say that the judiciary so views the matter, however one may wish to interpret the recent Supreme Court decisions.

Presented at National PTA Conference
on School Absenteeism,
Chicago, Illinois

Can we keep our children in school?

Would you believe that South Range School in Derry, New Hampshire, discovered a positive correlation between the absences of its teachers and its students?

And that Ensign Elementary School in Salt Lake City, Utah, found that as many as one out of three student absences could be accounted for by family projects or travel?

This interesting information was reported at the Second National PTA Conference on School Absenteeism by PTA representatives and school personnel from the five pilot states involved in the absenteeism project paid for by Sears, Roebuck and Co. for the 1974-75 school year.

The conference convened July 23-25 at the Sheraton-Chicago Hotel to hear year-end reports; to develop information to be used in an audiovisual presentation and pamphlet paid for by an additional $34,000 grant from Sears; and to make plans for extending the absenteeism programs next year into other schools within the five states.

There were other findings, of course, that the participating schools discovered they shared concerning the nature of school absenteeism. These include:

- ☐ Kindergarten children have a higher rate of absenteeism than any other grade level.
- ☐ Children involved in enrichment programs are absent from school less often than those not involved in such programs.
- ☐ Parents tend to permit their children to stay home all day rather than send them off late to school.

The Cora Howe Elementary School in Nashville, Tennessee, reported that its records showed female students to be absent more often than male students, and black students more often than white. It also found twice as many absences among students who walked to school or rode in cars as among those who rode buses.

The South Range School noted frequent absences on gym days—suggesting that children with no gym shoes preferred to stay home those days.

Conference participants readily agreed that children are absent from school for a wide variety of reasons, and that, consequently, approaches to reducing absenteeism must be just as varied.

One requirement for reduced absenteeism, however, seemed to be more persistently discussed than any other at the conference: parental ininvolvement.

Phone calls by teachers or PTA volunteers to the parents of absent youngsters were cited as one technique for involving parents.

Ms. Annie Banks, president of the Chambers Elementary School PTA, East Cleveland, Ohio, told a workshop group of her experiences in making such daily phone calls. She said that out of hundreds of calls, she found only one or two parents to be hostile. Most, she said, were "just glad somebody out there cared about them."

Other suggestions frequently heard were: that a child's pattern of absenteeism must be changed in his or her early school experience; that school programs should be improved so that children will *want* to attend school; and that families experiencing difficulties should be assisted (with clothing or baby-sitting services, for example).

Certain pilot schools used some novel approaches in their bout with school absenteeism. Cora Howe Elementary School, for example, operated a "wake-up" service—calling students whose working parents had already left the home.

A school in Colorado entered into a contract with students. The students agreed to attend all classes for a certain number of days in exchange for a day off.

The principal and teacher at South Range School simply began picking up a student with a truancy problem at home and driving that student to school.

Ensign Elementary School, which attempted to involve not only parents and school personnel but also students, issued a warning—that caution be used in "the pressures you use to get children in school" or "the plan can backfire on you." The students in several classes, it seems, were so intent upon winning the best attendance record for their class that they came to school with sore throats and bad colds. The result: higher than average absenteeism during flu epidemics.

In his talk, "Judiciary View on Suspensions," Judge Don J. Young, United States District Court, Toledo, Ohio, called for the fair treatment of children by school personnel.

"If all of the Supreme Court's decisions in children's cases are analyzed, stripped of legal verbiage, and reduced to essentials," he said, "they all say the same thing: Children must be treated fairly when they are subjected to the authority of the State."

And how does one define "fairness"? Ask yourself one question, the Judge said: "How would I feel about it if what was done to this child were done to me?"

PTA Today, Vol. 1, October 1975, No. 3

Northern Chester County Technical School

Coordinators:
Robert A. Gorowski
Academic Studies
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Donald J. Langley, Director

Charlestown Road
Phoenixville, Pa. 19460
Telephone (215) 933-8877

April 15, 1974

Mr. Joseph King, Superintendent
Fairfax County Public Schools
6402 Franconia Road
Springfield, Virginia 22150

Dear Mr. King:

Mr. Langley, the principal of our building, has asked me to respond to your request for additional information about our in-school suspension procedures.

First of all, let me say that our school prefers the in-school suspension system to the out-of-school approach as a deterrent to future misbehavior. It is also preferable, if logistically possible, to have an in-school suspension conducted in a room devoted solely for that purpose.

Once a student has breached a serious disciplinary rule his parents are immediately called an informed of the in-school suspension penalty. All of the affected student's teachers are informed of the punishment and are requested to submit sufficient work to the student by means of which he can keep up with his school work. The appropriated form for this purpose is enclosed for your inspection. These forms are collected and provided to the student by the suspension monitor.

The suspended student is expected to complete all of the assigned work prior to his being reinstated in his classes. This at time may necessitate additional days in the suspension room. At the end of a student's suspension his parents are expected to be present for a readmission conference. Alternatives for future behavior are discussed and explored with the student and parents present.

Once the work has been satisfactorily completed and the parental conference held the student is free to resume his daily schedule.

Varying periods of suspension are administered based on the severity of the offense. However, most of our suspensions last for a period of three days.

It is our sincere feeling that the averse nature of the in-school suspension makes it more effective than an out-of-school suspension-which is at times most appealing to some students.

I sincerely hope that this brief description answers some of your questions in reference to our in-school suspension.

If you have any other questions please feel free to call or write me.

Sincerely yours,

Robert A. Garawski

Robert A. Garawski
Coordinator/Academic Studies

RAG/ag

NORTHERN CHESTER COUNTY TECHNICAL SCHOOL

IN SCHOOL SUSPENSION CLASS STUDY ASSIGNMENT

The following student has been suspended from regular class studies for the next three days.

Student's name Subject Teacher

Please list below the reading, study work and writing you wish the student, to accomplish for your study area. This is to be returned to Mr. Garawski's office by 8:30 the first morning of suspension.

1st. day

2nd. day

3rd. day

This assignment sheet will be kept by the supervising teacher of the Suspension class and turned into Mr. Garawski's office at the end of the day. The student should turn in their own assignments to their teachers.

RAG:ag

DADE COUNTY PUBLIC SCHOOLS
ADMINISTRATIVE OFFICE
LINDSEY HOPKINS BUILDING
1410 N. E. 2nd AVENUE MIAMI, FLORIDA 33132

DR. E. L. WHIGHAM
SUPERINTENDENT OF SCHOOLS

DADE COUNTY SCHOOL BOARD
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August 6, 1974

Mr. Joseph L. King
Area Superintendent
Fairfax County Public Schools
Administrative Area II
6402 Franconia Road
Springfield, Virginia 22150

Dear Mr. King:

Thank you for your response to my letter. The material you forwarded was indicative of the similarities of our school systems in working toward the resolution of disruptive student behavior.

At the present time, my efforts are directed toward two programs -- the School Centers for Special Instruction and the Alternative Schools Program.

The purpose of the School Centers for Special Instruction is to enable each secondary school to provide a supervised facility within the school for those pupils whose behavior would warrant outdoor suspension. The pupils placed in the Centers are not considered harmful to themselves or others. Each school faculty develops the kind of program it feels will be responsive to the needs of its particular school. Programs include one or more components: academic tutoring, behavior modification, and/or counseling. As a result of this program, outdoor suspensions have been reduced by 44 per cent this school year. For your perusal, I am enclosing a copy of the most recent administrative guidelines, curricular offerings, and other details necessary for implementation of a new program.

Previously, we had seven schools operating for students experiencing various kinds of problems. After a thorough study authorized by The School Board, it was proposed that the existing schools be reorganized into educational complexes to provide alternative programs in grades 6-12. These educational complexes will be located in the North and South areas of Dade County. The schools will be organized on two levels, Youth Opportunity Schools (grades 6-8), Miami Douglas MacArthur Senior High Schools (grades 9-12). These schools will provide assistance to two "kinds" of students:

1. The student who for various reasons demonstrates an inability to function in the regular school program.

2. The student who in a specific instance or in a series of instances constitutes a serious disruption of the school program.

It is significant to note that these are not just schools for students with discipline problems, but are also for those students who are overwhelmed by the multiplicity of factors necessary for adjustment in the conventional school program. Excerpts from the proposal are enclosed to give you a rudimentary idea of the programs being developed.

In addition, I am enclosing the following:

1. School Board Policies and Regulations regarding suspensions and expulsions.

2. Administrative Review of the Security Aides Program.

3. Peer Group Counseling Component.

I hope this information will be helpful to you and your staff.

Sincerely,

Ms. Gwendolyn W. Jennings
Coordinator of Attendance Services

GWJ/ar

Enclosures

SCHOOL BOARD AGENDA ITEM Agenda Item No. XIII

Date Prepared: Meeting Date September 11, 1975 For INFORMATION X

September 3, 1975 Meeting Date ______ For ACTION ______

To be presented by Dr. S. John Davis

SUBJECT: Student Responsibilities and Rights: In-School Suspension

Recommendation

That the Board receive for information this report on Fairfax County Public Schools' experiences with in-school suspensions and the description of a working model of an in-school suspension program without additional personnel.

Explanation

The revised policy on Students' Responsibilities and Rights mentions in-school suspension as one corrective action available to secondary schools. The committee that drafted the revision had access to data from Pennsylvania, Texas, and Florida describing successful use of this strategy.

During the 1974-75 school year some of our secondary schools used in-school suspension with varying degrees of success. These programs were based on a model developed by Area II for principals' consideration. Attachment "A" is a copy of that model. The last section of this attachment describes the means of staffing this program without additional personnel.

Only Stuart High School was given additional staffing to begin this program. A teaching position was assigned there from Area II for the second semester. Attachment "B" is an evaluation of the in-school suspension project by the teacher hired to direct it.

During the last sixty-seven days of the school year, while the project was fully operational, Stuart High School had one hundred and twelve suspensions, fifty-eight of which were in-school. Eighteen suspensions were of a nature that the principal did not give the option of in-school suspension; the other thirty-six students opted for out-of-school suspension.

A review of Area II indicates that eight of ten secondary schools used in-school suspension to some degree. Other than Stuart, most of these in-school suspensions involved assigning students to areas immediately adjacent to administrative offices and keeping students under constant supervision.

As indicated by preschool inservice discussions, principals and faculties involved with in-school suspension are supportive of the program as a means of correcting behavior problems. There is, however, concern over the use of current staffing to accomplish this. Several schools indicate the intention of requesting new resources to effect this program.

IN-SCHOOL SUSPENSION: AN ALTERNATIVE TO EXCLUSION FROM SCHOOL FOR SOME VIOLATIONS OF SCHOOL POLICY

INTRODUCTION

School officials are constantly seeking more effective means of student control. An in-school suspension program or "behavior clinic" merits consideration for situations where counseling and admonition are insufficient, but for which exclusion from school would be counterproductive or too severe.

Some student conduct is such that exclusion from school is necessary until the student, his parents, and school officials can re-establish a commitment for the student to live within the behavior limits set for school attendance. Exclusion is necessary in cases where personal safety and/or disruption of the school is involved. For other violations, alternatives to suspension should be considered. Excluding a student from school communicates a strong feeling of rejection and non-worth to that student, and can increase alienation unless the student has become immune to the process.

Excluding a student who does not want to be at school is of questionable value in correcting behavior. An in-school suspension can provide student and officials the opportunity to understand and attempt to correct the attitudes and behaviors in question.

DESCRIPTION

An in-school suspension should be an option made available to a student and parent(s) in a situation where exclusion from school would ordinarily be warranted, but where personal safety and active disruption are not factors. Smoking in unauthorized places and attendance violations are good examples. Procedures required under Policy 2300 for out-of-school suspension will also apply for in-school suspension.

Both student and parent(s) should understand clearly the requirements and restrictions inherent in the in-school suspension option. They should have a choice between in-school and out-of-school suspension and understand that non-compliance with the rules of the in-school suspension will result in the disadvantage of finishing the suspension period out-of-school.

In-school suspension should be a closely supervised arrangement wherein the student and others address his academic and behavioral needs. It should, if possible, be conducted in a room devoted solely to that purpose.

Teachers of a student assigned in-school suspension would prepare assignments for him, check to see that normal progress is made, and may avail themselves of the opportunity to work individually with the student. Tutoring by other educators, parents, and fellow students may be arranged.

During in-school suspension, a student who is having problems adjusting to necessary school regulations will be available to those professionals with a responsibility regarding his behavior, i.e., teachers, administrators, counselors, visiting teachers, psychologist, health department, court personnel, and student government officials. Activities may be scheduled to help improve behavior through counseling (personal, career, academic), testing, teaching of Policy 2300 and local school rules, behavior modification, peer group counseling, and other applicable strategies.

ORGANIZATION

A principal contemplating an in-school suspension program should address these questions:

1. Who will be directly responsible for the program?
2. How shall the program be staffed?
3. What will be the requirements regarding times of operation, punctuality, location, standards of conduct, academic assignments, restrictions of students' mobility, and lunch arrangements?
4. What will constitute a breach of the in-school suspension agreement resulting in exclusion from school?
5. Who will get assignments from teachers and coordinate the use of services of resource personnel?

Two models are presented below for consideration by principals, one with budget implications and one without.

1. With an additional staff member added to a school staff (teacher-level position or a strong teacher aide), the principal can develop an in-school suspension program that should have no adverse impact on the school staff. One administrator would be responsible for implementation, supervision, and evaluation of the program after it is developed. The added staff member would have in-school supervision as his major responsibility. While no students are serving in-school suspension, this person could assist with general instructional and student control needs.

The additional staff member should not reduce the requirement of colleagues who have a responsibility to the student to avail themselves of this unique opportunity to influence the student's attitude and behavior.

The new staff member would supervise students in the suspension room, help students in their assigments, and coordinate the academic and behavior-change efforts to be made in behalf of the student.

2. Without additional staffing, the principal can schedule his staff so that one or more persons are freed to provide direction and coordination of an in-school suspension program. Total staff involvement would be desirable in considering a new program that involves reallocation of personnel resources. It would be most beneficial to have staff agreement that the potential good of the program offset the reallocation.

Staffing an in-school suspension center could be done in one of the following ways:

a. Identify capable teachers who would agree to teach one less class and take the in-school suspension center for a period each day in lieu of the regular class. The suspended student's counselor would be responsible for coordinating the academic and behavior-change efforts for the student.
b. Trade off a part of a current position for an instructional aide who would have this program as a major responsibility. The program would run as described in 1 above.
c. Have the Guidance Department handle the in-school suspension program in lieu of the current requirement that each counselor spend one hour in direct classroom involvement with students. If this were done, considerable assistance from teachers, administrative personnel, and resource personnel would be needed to keep this from detracting too much from other guidance services.
d. Assign this program to an administrative aide who could organize assistance from counselors, teachers, and other staff members.
e. Carefully selected parent volunteers could be recruited and trained to assist in any system developed.

ATTACHMENT B

Since its inception in early March, the in-school suspension program has worked to establish appropriate and effective procedures in the areas of counseling, supervision and communication with parents and teachers. The following is a brief description/evaluation of what has been accomplished this year as well as a few areas of concern for next year:

1. The use of William Glasser's "Reality Therapy" has proven quite successful with many students. The in-school suspension class has provided students with an environment in which they were able to evaluate their own behavior and construct plans for more appropriate behavior.

2. The students have been housed for the most part in a work room in the rear of the library. This room has been quite suitable for several reasons:

    a. The students are somewhat isolated from the mainstream of school activities (a punitive measure perhaps; but, it also provides a quieter, more confidential environment).

    b. The tables and chairs in the room are conducive to group discussion as well as study.

    c. The room's proximity to the library has made those valuable resources (books, magazines, audio visual equipment) very accessible.

3. The students have taken rest room/smoking breaks under the instructor's supervision 5 minutes after the normal class break. This should be continued as it reduces the possibilities of truancy or tardiness and keeps the students out of the mainstream of social activity. All suspended students eat during the same lunch shift but have not been required to sit together. This has provided a necessary break for all and should be continued unless student behavior necessitates a change.

4. All parents of suspended students were called by the instructor to inform them of the suspension and the option to remain "in-school". Parents were encouraged to have their children serve their suspension time in school. At the end of the suspension period most were sent letters informing them of their child's performance. These procedures have been quite successful and should be continued. Parents have been especially pleased with the follow-up information.

5. To assist the students in securing their classwork and at the same time to keep their mobility and visibility low in the school, assignment-request forms were sent out to their teachers through the Guidance Department. They were usually returned the same day. Since school work was often an essential ingredient in most "plans for success," it was quite important for students to have concrete assignments as soon as possible. Most teachers were very cooperative.

There are several areas of concern for next year.

1. There seems to be a need for a more systematic means of follow-up on students after they leave the program. Follow-up conferences may be built into the program as a requirement for each student or negotiated individually at the conclusion of the suspension period.

2. It is also desirable that a higher percentage of suspended students choose the "in-school" option (61% this year). A means of reaching the extremely alienated student (often a chronic behavior problem) is especially needed. To assist in these areas, interviews with the instructor on the day of suspension should be made mandatory next year. Other means must also be sought.

   Surveys were taken of the students who participated in the program as well as the teachers of these students. Essentially the surveys asked two questions:

   a. Do you agree with the idea of in-school suspension?

   b. Did the individual'sstay in in-school suspension produce any positive changes in his/her academic performance or behavior?

Of the teachers responding, 78% answered "yes" to at least one of the above. Of the students responding 100% answered "yes" to at least one of the above. The results of these surveys by no means represent a precise measurement of effectiveness but they do provide some indication that the program has been well received by two very important groups.

Michael L. Straight
June 17, 1975

SUPERVISED STUDY

In addition to the suspended students, other students have been allowed to attend the class in a supervised study situation. Most of, these students were initially identified through their participation in the in-school suspension program. Students have attended anywhere from one to six periods a day for as long as three months and for as short as a week. Conferences were held with teachers, guidance counselors and administrators to arrange such opportunties for students. Parents were also consulted. Specific behavior contracts were drawn up between the student and instructor indicating what the expectations of each were.

These students were expected to take more responsibility in securing their own assignments and keeping up with their work. The instructors role was often one of assisting students in making study schedules. Individual instruction was necessary only occasionally. Parents and teachers were kept abreast of the student's performance (and attendance).

Approximately ten students participated in this phase of the program. Six students showed immediate and sustained improvement in both their academic work and behavior.

This part of the program seems to be an ideal means of follow-up. The students again choose to be in the class and must make some positive declaration of intentions before being accepted. Having voluntarily agreed to perform at a certain level, they usually do so with very little prodding. Because of this, they actually provide good role models for the suspended students and often make significant contributions to the discussions in class.

There seems to be two problems to watch out for in this part of the program. One is simply a problem of overcrowding. Too many students and all (suspended and supervised study) will get lost in the shuffle. A second problem is the forcing of students into the supervised-study situation mainly for truancy violations. It only takes a few disgruntled, unwilling students to disrupt the whole group. And besides, this class is not much more difficult to skipthan the others they chose to miss.

Michael L. Straight
June 17, 1975

Senator BAYH. Mr. Rioux, will you now give us your testimony?

STATEMENT OF J. WILLIAM RIOUX, SENIOR ASSOCIATE, NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION, COLUMBIA, MD.

Mr. RIOUX. I am William Rioux, senior associate of the National Committee for Citizens in Education. I appreciate the opportunity to appear before your committee.

The size and severity of the violence problem in schools is bringing us rapidly to the end of the time when school personnel can take a public position that the problem does not exist. I would add parenthetically that this was a disturbing hallmark of responses from school administrative personnel contacted while preparing a handbook, which I will mention later. We are in the same sense rapidly approaching the end of a time when parents are reluctant to speak openly of their concerns.

Violence in schools will not be solved or changed in any important way by a single group. The pressing need for groups to work together is evident when you think about the following facts:

1. Teachers and administrators are trained to understand and deal with the normal range of discipline problems of children and young adults—not violent behavior resulting in the intimidation and physical injury of others, or the extensive destruction of property.

2. Police have been trained to deal with violent behavior, but not in settings where other authority figures are traditionally in charge and where the primary mission is education. When uniformed police or security guards arrive on the scene, the atmosphere often changes from one of trust to one of an armed camp.

3. The silence and inactivity of parents is certain to cause the problem to grow because school policies will remain unaffected by parental determination and ideas.

The absolute "bottom line" reason for drawing parents, educators and, in instances the police, together, is the physical safety of children, and whether the schools are to be so filled with fear and anxiety that learning in the ordinary sense will come to a halt. This particular problem transcends all other shared decision possibilities such as budgets, curriculum and the privacy of school records. The time is clearly past due for thoughtful and concerted actions which can lead to improvement and corrections in the destructive attitudes and behavior which are seriously interfering with education efforts.

CHANGES MAY REQUIRE PARENT-EDUCATOR ALLIANCE

First of all, some old patterns, old habits and honored relationships will probably have to change. In the difficult effort to educate children, not simply train them, it is simplistic to hold educators entirely responsible for the shortcomings and problems of schools. While teachers, principals and administrators should bear a large responsibility for the education and in-school safety of children, more and more areas of school operation and policy will have to be characterized by open discussion, equal status in reaching decisions, and binding commitments by all parties to support agreed upon plans. It may very well be that the problem now of violence and vandalism in schools may now require a new kind of parent-educator alliance which goes far beyond fancy rhetoric.

All of the actors in this painfully real drama of violent behavior in schools have rights and responsibilities. The teachers have a right to expect a reasonably safe, secure working atmosphere, but teachers have organizations which speak in their behalf and arrange for their interests. My concentration in the remaining part of my comments will be largely on the rights and responsibilities of parents, although I will make one comment about students because you have other members on the panel who will focus on students.

1. Parents have a right to expect that their children will be physically safe in an atmosphere that should help them in their efforts to learn. Parents have the responsibility to become fully informed about the nature and extent of the violence problem and carefully state those procedures and actions they will fully support. Apropos Mrs. Kimmel's comment, that cannot take place if they do not come in and are not invited in.

2. Parents have a right to be informed in detail by school personnel about the specifics of violence in schools. It is vital for parents to operate on facts or firsthand information rather than rumor. Parents have a responsibility to take action to inform themselves through the conduct of carefully drawn surveys of neighbors about firsthand knowledge of violent behavior, thoughts about possible causes, and thoughts about possible solutions. It is important for parents to understand the problem of violence and vandalism on a school building or school attendance area basis, rather than on the sometimes confusing and misleading total school system basis.

3. Parents have a right of access to information which may in many instances have been denied to them as they work to become helpful and informed in this area. I have in mind suspension data in some aggregate form that does not reveal the personal identity of students, access to attendance officers who can describe the daily problems which they encounter, absence data by school and school attendance area, and other information which makes them knowledgeable and potentially more helpful in thinking through actions and solutions. Parents have a responsibility to devote the time and thinking required to analyze such information and draw conclusions which become a part of new violence prevention programs. They do have that capability, and there is beginning to be evidence that parents are thinking that way.

4. Parents have a right to be advised in detail about alternatives to suspension and alternative educational programs which might be created to help students who are alienated by the regular school program. At the same time parents have a responsibility to support and encourage educators in the development of new educational styles which are carefully planned and are of quality.

5. Parents have a right to expect that their concern for the physical safety of their children will receive serious attention and response. Parents, at the same time, have the responsibility to describe the level of behavior they expect of children while in school and the kinds of actions they will support in responding to rule breaking if actions are taken by principals, teachers, or school security personnel. An im-

portant part of this is the responsibility parents have to review the kind of expectations which are established for behavior in the home and the consistency of follow-through on those expectations.

6. Parents have a right to help define what a workable security plan will be and they have a responsibility to be a part of the evaluation process which later tells whether the plan works or doesn't work.

7. Parents have a right to expect that educators will not use suspension or expulsion as a tool for solving the immediate problem and thereby increase the seriousness of the long term problem of suspended students who return to maraud the halls and express their resentment. At the same time the parents have a responsibility to understand and give serious consideration to suggestions that new programs and perhaps school positions be created which were not a part of their experience at the time they were in school.

COMMENTS ABOUT STUDENTS

We realize that the attitudes, opinions and behavior of other students in junior high, middle school and high school are matters of great importance to students in this age range. While that is understandable and recognized as a part of growing up, when circumstances change so dramatically that the trade-off becomes living in fear and intimidation and perhaps suffering some physical harm, the student has a responsibility to become a key part of thinking about the actions he will or can take in improving the situation. Students in many communities, for instance, now find it possible to observe and help enforce school behavior and dress policies because they helped develop them.

The level of violence and vandalism which has now become a part of schools is a serious and growing problem. It is not an impossible problem to modify or, in the long run, correct. It will require honest, plain-spoken collaboration between parents, students, educators, security personnel and police. If any of these groups decides to "go alone," we have a great concern that there is a strong possibility the problem will become worse.

The National Committee for Citizens in Education has recently produced a handbook [1] for use by parents in helping them find the specific ways in which they can make contributions in developing new plans to cope with violence in schools, and that handbook, in 2 short months, has been favorably received by parents and parent groups. Therefore, we have reason to believe that the suggestions we have made here are sensible and they lead in a direction of improvement.

We owe it to children to have schools again be places where they will be safe and where they can put their attention and energy into learning. We have in the past failed to do all we could for children. We must not fail them in a matter as basic as assuring their personal safety and a chance to learn.

Senator, I thank you.

Senator **Bayh**. Thank you very much, Mr. Rioux. I think it is fair to suggest that one continuous thought permeates your statement, that this problem is not going to become better unless we are able to localize all segments of the community, it's a comprehensive approach; and that is the only kind of approach that is really going to deal with the problem.

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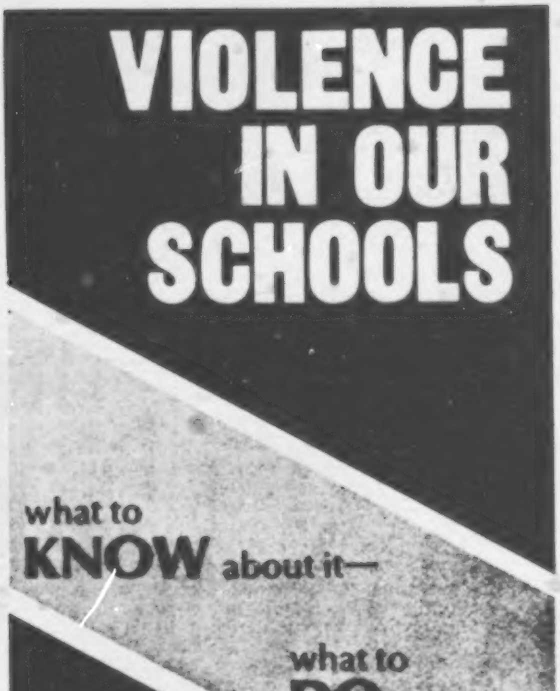
[1] See p. 81.

Mr. Rioux. That is absolutely so.

Senator Bayh. Obviously we cannot solve these problems merely by passing legislation. It's going to take a commitment by students, parents, teachers, and administrators—both in the home and at the school—to get the job done.

Mr. Rioux. I think there will be a lot of hard work and a lot of changing of habits involved. But, it is "do-able" if we are convinced it's "do-able."

Parents have, as Mrs. Kimmel said, for such a very long time not been made welcome in schools, that some extensive effort probably will have to be made to extend cordial invitations to them to return. I can't think of a better issue around than the physical safety of their children. I think you will get a lot of them to come in who wouldn't come in on a question related to the budget, or curriculum, or something else. So, we may have a decided advantage at our hands for something that is obviously an agonizing problem.



VIOLENCE IN OUR SCHOOLS

what to KNOW about it—

what to DO about it

A PARENTS' NETWORK
Publication of

THE NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION
COLUMBIA, MARYLAND

NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION

The National Committee for Citizens in Education is a non-profit, tax-exempt membership organization dedicated to increasing citizen involvement in the affairs of the nation's public schools. NCCE is a successor to the National Committee for Support of the Public Schools founded in 1962 by Agnes Meyer, Harry Truman and others. The original organization concentrated on increased federal assistance to public education and was highly successful in that timely effort. In 1973 the Committee was reorganized, took its new name and reconstituted its purpose. Since then NCCE:

- Published a major report, *Children, Parents and School Records*, which received national attention in Parade Magazine, Time Magazine, The New York Times and on ABC Television.
- Supplied necessary information upon request to Senator James Buckley, who sponsored the Family Educational Rights and Privacy Act of 1974, which became law November, 1974.
- Conducted hearings across the United States on who controls America's public schools, taking testimony from hundreds of individuals and organizations.
- Went to court to challenge the authority of the federal government to restrict non-profit, tax exempt organizations from attempting to influence legislation (lost) and to assert the due process rights of students (won in the United States Supreme Court).
- Joined with other national organizations to convene a National Conference of Title I Parents.
- Convened the first national meeting of active local parent groups held since 1910.
- Produced with the Educational Products Information Exchange (EPIE) a manual to help parents determine whether textbooks and other materials are appropriate for their children.
- Established the first public-interest, toll-free telephone hotline, 800-NET-WORK, to help parents get rapid information and help.

- Established *The Parents' Network*, to mobilize citizens for action to improve our nation's public schools, and to support existing local parent-citizen groups.

THE PARENTS' NETWORK

Local and statewide citizen-parent groups can work with NCCE by joining *The Parents' Network*.

Membership—Participating groups automatically receive all names of callers in their area from 800-NET-WORK, NCCE's nationwide toll-free telephone hotline. By dialing 800-NET-WORK parents and citizens anywhere in the continental United States (except in Maryland) can get information about *The Parents' Network*.

Research—With the help of *The Parents' Network*, NCCE prepares and distributes materials to help parents. NCCE's first handbook, *Children, Parents and School Records*, has already helped thousands of parents and citizens.

Information—NCCE is publishing a joint newspaper with *The Parents' Network*, featuring news of local groups and exchanging information.

The cost for group affiliation ranges from $15–$50 per year, depending upon the size of the local group and pro-rated at 10¢ per paying member.

SERVICES OF NCCE AND THE PARENTS' NETWORK

- Referral: Concerned parents to legal counsel; organizations to other organizations; individuals to organizations; parent groups to appropriate educators; legislative inquiries to appropriate sources of information.
- Materials: Produce manuals, pamphlets and research documents useful to citizens in dealing with their schools and useful to parents in understanding the educational system.
- Research: Prepare background information for the press and for legislators who request it.
- Public information: Clarify school issues and provide information to the national press.
- Representation: Act as a national clearinghouse and when asked will on occasion act as spokesman for local parent organizations.
- Legal: Join as a "friend of the court" in lawsuits that have national consequences for the rights of students and parents.

- Service to individuals: Support services to groups and individuals to establish new organizations in cities where no parent-citizen voice currently is heard.

ACKNOWLEDGEMENTS

Mary Ellen Goodman developed the basic manuscript for this pamphlet. The appendices and other changes extend and reinforce the impressive experience and style which Ms. Goodman brought to the problem of violence in schools. We are indebted to her. Ms. Goodman is Director, Special Education Project, Citizens' Committee for Children of New York.

Ms. Happy Fernandez, active parent in the Philadelphia Public Schools; Mr. L. W. Burton, representative of the National Association of School Security Directors; Dr. John M. Jenkins, Principal, Wilde Lake High School, Columbia, Maryland; Mr. E. E. Curtis, Principal, Westport High School, Kansas City, Missouri; and Mrs. Merrimon Cuninggim, Member, Board of Education for Special School District of St. Louis County, Missouri all read the manuscript from their own experience and point of view. Each contributed in many ways to improvements and emphasis.

The errors and omissions are our responsibility.

National Committee for
Citizens in Education

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VIOLENCE IN OUR SCHOOLS

> Too often, youngsters arriving at our public schools today are not finding the quiet atmosphere of instruction, enrichment and encouragement, but instead an environment dominated by fear, chaos, destruction, and violence.[1]
>
> Our preliminary study of the situation has produced compelling evidence that this level of violence and vandalism is reaching crisis proportions which seriously threaten the ability of our educational system to carry out its primary function.
>
> Although the level of violence directed against teachers . . . is indeed alarming, the principal victims of the rising tide of crime in our schools are not the teachers, but the students.[2]

This is a handbook for parents and citizens about a serious and growing problem involving the school. To those who have lived close to the problem the statements above will come as no surprise, to others they may come as unwelcomed confirmation that the things they have been hearing lately may soon affect their children in schools. Violence in schools is not simply an urban problem. Children from low income homes are not the exclusive victims. It cuts across class, race and community differences.

As with the other work of the National Committee for Citizens in Education, our focus is children, parents and citizens. We acknowledge that the problem of violence in schools very much involves the safety and performance of teachers and others, but it is already clear that teacher organizations are working with their members to understand and deal with this problem. Therefore, our attention in these pages will emphasize the way parents and citizens can better understand the many factors which make up both the problem and the possible modification of violent, hurtful behavior in schools.

It will serve no useful purpose to quote here the alarming national and regional statistics that underscore the growing size of the school violence problem.[3] Such an approach only produces uneasiness, anxiety and at times outright fear. Our goal is in the other direction—to move you into things which are thoughtful, productive and helpful. In order to do that, you have to know (don't assume you know) your local situation.

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[1] Statement by Senator Birch Bayh introducing the Juvenile Delinquency In The Schools Act of 1975—April 9, 1975.

[2] *Our Nation's Schools—A Report Card: "A" in School Violence and Vandalism*—pp. 3, 5. A Preliminary Report of the Subcommittee to Investigate Juvenile Delinquency—Committee on the Judiciary—United States Senate, April, 1975.

[3] If it will help your group to know of the results of a recent survey of school violence, see Appendix A.

We are advocates of children and those who nurture them and support them in their growing up time. We have been a part of efforts to have the rights of children increasingly clarified, such as in the Supreme Court case[1] which decided that students are entitled to due process before suspension. We also recognize the hard reality that the activities of some students threaten the physical safety and learning atmosphere for others; in such cases we all must take the position that firm, reasonable action is required to control the situation first and then assist the students involved. Hopefully, there will come a time soon when we can spend more time, energy and money understanding and preventing some of the behavior that leads to the need for this kind of handbook.

One further comment. When any of us are faced with a serious problem which involves fear and intense emotion we sometimes become so focused on that problem that we forget what the bigger question is all about. In this handbook, we are describing the behavior of some students and adults which seriously interferes with the education of children. That may cause some of us to forget that the best estimates we have indicate that a minority (probably no more than 10%) of the school population is felt to be responsible for the violence and vandalism now recorded in schools. Remember the 90% and the ways they can help, and also remember there are ways in which many of those in the 10% can be helped to change.

* * *

In the past, school discipline was maintained by teachers, and the mention of being sent to the principal's office was enough to restrain most students. But while teachers have been trained to keep discipline in a classroom, neither teachers nor principals have been trained to deal with violence. As a result, they have tended to turn these problems over to the police (who generally are not trained to act in school situations) or to specially hired security personnel.

There is great disagreement about the causes and the long-term solutions to school violence, but these are beyond the scope of this handbook. What we do know for certain is that school violence uses up tax dollars. The most recent estimates indicate an annual loss of nearly $600,000,000 connected with vandalism and crime in schools. This represents approximately $13 per child enrolled in public schools which is not available for educational efforts. What we do know is that it exposes children and teachers to real physical danger. But *its greatest cost is that it robs children of their rightful education, and that is one cost none of us can tolerate.*

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[1] For brief descriptions of *Goss vs. Lopez* and *Wood vs. Strickland* decisions see Appendix C.

This handbook outlines what you can do now to make the school in your neighborhood a safer place for children, a place where teachers can teach and children can learn.

You do not have to wait for your school superintendent or principal to take the first step. In fact, we believe that a child-safety program works best when it is strongly rooted in the community and fully supported by parents, students, educators and the entire school community.

HOW TO GET STARTED

Sometimes it is difficult to spot the warning signs that your school is headed for trouble. Check out your worries and your hunches with your school principal, but don't stop there, carefully question your children and ask some of the teachers what their experiences have been.

Beginning signs:

- Attendance falling off.
- Students concerned about problems in the lavatories or lunchroom.
- A number of false alarms or bomb threats.
- Verbal abuse of teachers.
- Minor thefts—books, lunch money.
- Falling levels of student achievement.

Serious signs:

- Frequent fighting at school dances or sports events.
- Increasing use of alcohol.
- Increasing vandalism.
- Youth gangs.
- Physical attacks on teachers and students.
- Non-student loiterers.
- Break-ins, arson.

If you believe there is a real cause for concern, start talking it over with other parents, neighbors and teachers. If you are a member of a local parent organization or a service organization, mention your concern about school violence at the next meeting.

Seek out a few people who seem to agree that something must be done and work with them. The group does not have to be large to start with. The important thing is that all of its members must be willing to give their time and energy to work on the problem.

Let your principal know what your group has in mind and seek his or her cooperation. Administrators often welcome citizen participation on school security because it relieves some of the pressure of responsibility and allows them to give more attention to educational matters. And keep in mind that whatever plan you come up with will probably involve money from the school budget, and you will need the principal to help present a strong argument for support.

THINGS YOU WILL HAVE TO FIND OUT

What does the community want? Once your group has decided to take responsibility for improving the safety of children in schools and has the support of the school administration, you have some homework to do.

Every school, neighborhood or community is likely to have a different idea of what peace and order within a school means. You will probably find some people who want the school to use rigid discipline and others who feel that any child-protection procedures are a threat to individual rights. What the community in general wants in decorum, discipline and prevention of violence usually lies somewhere in between.

It will take a little time to find out. One way is to make up a simple questionnaire, perhaps calling on the principal for assistance, then go door-to-door with it to get a fair sampling of sentiment. The questionnaire might also include what the people of the community expect education to do for their children—do they want it to prepare them for college, or a job, or what? The public opinion expert George Gallup makes helpful suggestions about questionnaires and surveys in Appendix G.

Your group should also take a hard look at the physical and social conditions affecting the school's students. Crime, disruption and the lack of child safety in schools are related to the degree of disorder in the surrounding streets, so the character of your neighborhood is important.

Once you have surveyed the people in your school neighborhood and have a good grasp of the facts, you might want to consider interviewing your councilman, alderman, city manager or other local representative. You might also find out how much they really know and understand about your school problem and how they might provide special back-up help that people in your neighborhood cannot supply. You might also ask the editor of your local newspaper for his advice on whom to contact. At the same time, of course, you can explain what your group is trying to do and ask for support.

The principal, the police and store-owners near the school can give you their opinion about who is causing most of the trouble. While we know that most school crime is committed by students who should be attending class or even some other school, there are also non-school age intruders who are attracted to schools as centers of excitement, areas of potential theft, places to push drugs, or just to cause trouble because it makes them feel important.

PLANNING FOR SECURITY

Once your group has a rough idea of the degree of security the community will support and has gathered some background information, you can begin planning a school security system that works. The plan will involve many people, training programs, possibly changes in the school building and grounds, and in school policy. It may even include changes in the kind of education the school offers. It is likely to involve money.

SOME OF THE PEOPLE WHO NEED TO BE INVOLVED

Whatever the plan, it must be based on what the community will support. When you are ready to start planning, it is time to bring additional people into the picture. These will include, at the very least, administrators, teachers, other school personnel such as counselors, custodians, and security people, as well as students and the police. The mix that works best will usually be different for every school. Keep in mind that all these people, and particularly the community, should be kept informed on what your group is trying to accomplish.

One way to start is by calling a general meeting open to everyone, explaining what the problem is, what your group has done so far, and what more needs to be done. Ask your principal to use the school auditorium. Schedule the meeting at a time when most people can attend. Publicize the meeting in the newspapers, on the radio and with door to door flyers if possible. This is where you bring the information you have gathered and begin to draw conclusions about what the information means.

Your goal is to get more people thinking about the problem.

At the first meeting (don't get discouraged if the attendance is low) schedule a second meeting for the purpose of forming "task groups" which can work on specific parts of the plan—such as school policy, making the building safer, a possible training program, suspension policies, and suspension records. Be sure you include people who have had children directly affected by school violence as well as those who are concerned and want to take reasonable actions to prevent their children from becoming involved. That way you will be guided by real facts toward some important conclusions.

Once again, try for maximum publicity. Ask your local newspaper and radio and television stations to run announcements of the meetings and to report on the progress of your campaign. Give some early serious thought to how students might reasonably help out at each stage.

As we mentioned, the school's administrators—the principal, vice-principal, dean and others—must be involved from the very start for obvious reasons.

TEACHERS

Teachers are highly important to the plan. They spend many hours a day in school, and their attitudes towards students are crucial. By participating in such non-classroom activities as hall and lunchroom supervision, extra-curricular activities or even tying kindergartners' shoelaces, they fulfill their role as leaders and as models for their students.

When they withdraw from this kind of student contact—sometimes because of professionalism and sometimes because of simple fear—teachers not only lose their effectiveness in school security but lessen the chance of making the school a friendly place for students. Most authorities agree that teachers are the best resource for influencing students' behavior—provided they are willing to work with students and not limit themselves to instruction only. In some schools each teacher serves as a contact for about 20 students. This arrangement is a bolstering factor to the regular student-counselor relationships.

STUDENTS

Students must also become involved in ways appropriate to their age. In elementary schools, introducing students to student-safety planning and procedures can make them more aware of their stake in making their school a pleasant place to be. In junior high schools and high schools, students who are often both victims and perpetrators of adult-level crime must be encouraged to become deeply involved in determining school security needs and in implementing agreed-upon procedures for achieving them. Only if students are serious participants in anti-violence activities will they have a personal interest in a safe school.

Some school security programs use student monitors. The monitors may get a hard time from their fellow students unless their fellow students agree they have legitimate authority. Even then, the duties of student monitors must be clearly spelled out, and monitors must be trained to understand their attitudes toward their fellow students as well as how to handle specific problems. In no case should monitors ever be allowed to use force.

Student involvement can be highly effective. For example, one rural school system which was having problems with theft and vandalism sought student volunteers for its Security Advisory Council. All volunteers (including some of those who caused problems) were accepted. They formed themselves into parking lot patrols. Soon, tapedecks, batteries, and automobiles went undisturbed.

Statistics confirm that most school crime and disruption is caused by students or by enrollees of neighboring schools who are suspended or truant. Involving these students in drafting new policies and programs may prove to be an important factor in preventing further disruptive behavior. Equally important is the fact the rules must be clear, known by everyone and enforced in as fair a manner as humanly possible. Some schools have students' rights and responsibilities handbooks and these often go a long way in bringing about more respect for school regulations and reducing violent behavior.

The case cited earlier illustrates another point. Once students and teachers began to talk about a problem which affected both, they began to work as a team. Their teamwork led to a change in atmosphere throughout the school as students and teachers ceased to regard each other as adversaries. As allies, students and teachers and parents can become the strongest possible force for school security. It is an axiom of all law enforcement that the cooperation of those being protected is essential.

PEOPLE IN THE COMMUNITY

In addition to participating in the planning, parents and neighbors, particularly community leaders, can provide critical support to the school security plan. If they are willing to devote in-school time, paid or unpaid, they may be able to bring parental pressure to bear on youngsters whose names, families and way of life are familiar to them. At a minimum, those parents living near the school should keep a watchful eye on the children walking to school. In one community, certain houses are designated by a card in the window as "shelters" for children who are or feel threatened on the way to school. In each house, the adult has agreed to be available at the appropriate hours. Troublemakers look elsewhere for trouble if they know they are likely to be observed.

THE PEOPLE WHO TAKE CARE OF THE BUILDING

School buildings themselves are sometimes a part of the problem, so a representative of the custodial staff should help in planning for security. Custodians know the physical areas, particularly hiding places, where trouble is likely to occur and they have good ideas about how to make a building safer and more congenial. Custodians often have the best idea of what is really going on and what the mood of the students is.

If a school system already has security personnel, a representative should certainly be brought into the planning. If security personnel are to be hired, their selection and training is very important. School security personnel can either be like prison guards, patrolling the halls looking for trouble, or they can serve as sensitive people who exercise good judgment in enforcing agreed-upon rules and regulations and who are generally helpful in their dealings with students, their families, the administration and police.

Finally, the police must be included in child-safety planning. Police protection can range from armed officers in the halls to a telephone hotline in the principal's office. The level of police participation should be based on a cooperative decision between the police and the school community. The limits of police authority within the school must be strictly defined. Police must not be used for student discipline—and school personnel should not attempt to do the police department's work.

TRAINING

Persons participating in the security program will have to be trained for their different roles, so training will have to be prepared for each group—the teachers and school personnel, parents and students.

The training itself can take many forms. If a "rules and regulations" philosophy prevails in your community, training can be relatively uncomplicated, stressing what is and what is not possible and legal, with some consideration for individual differences.

Some communities prefer to stress "prevention rather than correction" security. Most untrained people are not aware of the many ways to deal with how others behave, so practical "how to" training should be provided. This can frequently be done in small groups with individuals practicing with each other on how they would react in given situations. Its purpose is to help trainees understand the reactions of others, even those very different from themselves.

Like the problems of determining what the community wants and the mixture of people to involve, community standards and desires should also determine who conducts training. Training directed to respecting the rules and laws which the community have found reasonable and necessary are often conducted by the local police. If a better understanding of the reasons for behavior is a goal, trainees may work with specially trained school personnel such as a school psychologist or a school social worker. In either case, training should be related to the community definition of acceptable student behavior and what to do about it.

PHYSICAL PLANT

The building itself and the grounds play a major part in security. Most obvious is the existence of too many exits, entrances, stairwells, etc., many of which are little used except in emergencies and therefore invite trouble. New schools can be designed to reduce the number of such "attractive nuisances", but you will probably have to work with an existing building.

One school district has a "vandalism repair" budget. Each school is allotted one dollar per student per year, and students are told that any funds not spent to repair vandalism during the year can be used for student projects. In one school, vandalism dropped so sharply that students voted to use the leftover money to partition, redecorate and refurnish their once barnlike cafeteria.

The other way in which the physical plant affects security is the way it builds or decreases student tension. There is a school in one big city that covers two square blocks and has over 5,000 students; it is so big and so impersonal that neither students nor neighbors feel protective toward it. In a school that big, students become names or numbers rather than persons to be recognized by principal, teachers or peers. Feelings of loyalty are not developed when a school ignores a student's individuality.

Barbed wire fences and window bars make some schools look like prisons. The interiors of many schools are painted in drab colors, have terrible acoustics and are badly lighted.

Students forced to spend their days in overcrowded, ugly, noisy buildings become tense and angry and are more likely to erupt at any provocation. Students whose homes are also overcrowded, unattractive and noisy are even more likely to shatter school security.

EQUIPMENT

The question of security equipment—locks, gates, alarms, electronic monitoring systems—requires experts. Security equipment is likely to be the most expensive item in a school security program. Thus, security equipment experts, not salesmen, should be called in to give their ideas only after a community policy has been established on the degree of protection wanted. After you have decided on the kind of equipment you want then talk with the school administration about the costs involved in securing this form of protection.

EDUCATIONAL PROGRAM

Another crucial factor in security planning is the suitability of the schools' educational offerings to meet the needs of students. If the majority of school security problems are caused by school-age youngsters, it follows that a program which interests these youngsters is likely to keep them in school and in class, thus reducing security problems. The effects of curriculum on security is very complicated; addressing this problem is likely to require a very long-term effort.

Alternative programs[1], vocational training and mini-schools have been among the ways schools have broadened their educational offerings.

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[1] For suggested resources on alternative educational programs see Appendix D

Mini-schools of 200 students or less can be located in storefronts, churches or set-aside sections of the local school itself. These offer personalized learning to students who cannot do well when they have to compete for recognition.

Independent study is a possible alternative for students, especially for students who are extremely bright. Student and teacher agree on a goal, and the student reads, observes, or experiments on his or her own under the general guidance of the teacher.

A non-traditional program which has been successful in many school districts encourages students to tutor fellow students. A poor reader—or one whose attention tends to wander in class—may learn from a fellow student what he or she could not learn from a teacher. Several districts report that the tutors, too, improve in their classwork as they strive to digest their knowledge so they can impart it to their own "students". Both tutor and tutee often achieve feelings of success and thus are less likely to cause trouble.

The security planners must take a hard look at student reaction to curriculum offerings and teachers' attitudes. The community must determine how much it is willing to alter its educational offerings to provide programs determined as much by what the students want as by what the educators feel they need. Such flexibility may raise the level of education, which is the school's primary mission.

SCHOOL POLICIES

Policies regarding discipline and the atmosphere it produces are a major factor in overall security. Living with such rules as silence in the halls or between classes, students may become powder kegs, ready to explode. Regulations on where to smoke, how to spend non-class time and with whom to eat must be examined and realistically evaluated. If the number of "musts" is minimal, it is more likely that students will observe them.

Since college students, employees, club members and others carry ID cards, even though in some cases reluctantly, think twice before you reject the practice for schools. It may be an unavoidable necessity to upgrade the physical safety of large numbers of children. If ID cards are used, are students being asked to show ID's an inordinate number of times? Is the penalty for losing them unreasonable? Is there a basic assumption on the part of the authorities that the unidentified student is suspect? Also, consider putting the ID to "double duty" by using it for checkout of library books and admission to sports events.

TYPE OF DISCIPLINE[1]

The type of discipline used should be carefully considered to see if it works and if it is suitable.

Corporal punishment is still used in many American schools, and citizens planning a security program must consider its effects on students. What does it do to a student's self-image? To his or her respect for school personnel? To his or her view of authority? And does it accomplish what it seeks to accomplish?

Policies on suspension and expulsion must also be carefully considered and in some cases updated.[2] A school must have disciplinary powers but these must not be abused. The United States Supreme Court ruled recently that schools cannot suspend or expel students arbitrarily but must give them the protection of due process—the right to be informed of the charges and to answer them. Other recent court cases have expanded student rights in general. We remind you that Appendix C contains details concerning recent Supreme Court cases.

Suspension should be used only in very serious cases. Students who are suspended are often those who have trouble learning, and suspension is likely to make their problems worse.

Above all, sending such students out of school may make them intruders in other schools where they go to seek companionship, sympathy or retaliation.

One expert has concluded that, "There is no evidence that shows that corporal punishment, suspension or exclusion, does much more than intensify the problem. . . . There have been no concrete positive results even in cities which have laws punishing parents for the acts of their delinquent children."[3]

[1] For a detailed discussion of the problems and changing nature of discipline in schools from an administrator-teacher point of view see *Discipline Crisis in Schools—The Problems, Causes and Search for Solutions*—published by National School Public Relations Association, 1801 N. Moore Street, Arlington, Virginia 22209—$4.75.

[2] For a fresh, up to date, citizen & educator view of suspension consider ordering *Alternatives to Suspension—Appendix E*.

[3] Michael V. Reagan, "School Security: Nobody Here But Us People to Provide It," address to National Institute on School Tensions and Disruptions—sponsored by National Conference of Christians and Jews, October 31, 1973, Miami, Florida.

PUTTING THE PLAN TO WORK

Once a security program has been developed, it should again be explained to all those who will be affected by it—teachers and other school personnel, students and the community.

By this time, the planning committee will probably have grown by a good bit. Its members can be used to help form a Security Committee to carry out the programs.

It is very important to develop a reliable reporting system which will provide a standardized record of each incident. This will help to reduce the current problem of under-reporting to give the appearance of a quiet, orderly school, or over-reporting to support requests for more guards or equipment.

In order to be useful in a security program, standardized, uncensored security reports should be submitted to the Security Committee. When reports conflict, a subcommittee should hold hearings to determine what actually happened and to discuss how the problem should be handled. Care will have to be taken to insure that the right to privacy of students and their parents is not violated by forms and procedures. A summary of the new Family Educational Rights and Privacy Act is contained in Appendix I for your information and study. For a copy of the complete law call us on our toll-free telephone line 800-NET-WORK.

An assessment of how well the program works should be made at the end of an agreed-upon period, say six months or a year. It can be conducted by people from outside the community to minimize the possibility of bias or by a team made up of representatives of the administration, staff, student body and citizens, each of whom should submit a report. In addition to these reports, anyone who wishes to express a personal reaction should be encouraged to do so. Revisions in the program should be made in response to these reports.

FINAL THOUGHTS

The problem of increasing violence in our public schools is one of the most difficult matters to face education in recent years. Parents teaming up with educators have in the past solved or modified serious problems affecting the education of children. Parents direct energy, wisdom and determination to the problems affecting their children. Educators can utilize the results of their training and experience in developing plans to better address the problem of violence in schools. Working together parents and educators provide the hope that improvements and solutions will be realized.

APPENDIX A

While we can in no way assure you of the complete accuracy of the facts included, it may be important for you to know of the results of a recent national survey on violence in schools. Statistics and percentages can be helpful or misleading depending on the care used in gathering the information, and the thoughtfulness of the person reading them.

OUR NATION'S SCHOOLS. A REPORT CARD: "A" IN SCHOOL VIOLENCE & VANDALISM[1]

In order to more fully understand the nature and extent of this problem, the Subcommittee sent a questionnaire in August 1973 to the superintendents of 757 public school districts throughout the country with an enrollment of 10,000 pupils or more ranging from grades K-12. The questionnaire was designed to obtain categorized information to determine the extent and scope of violence, vandalism and dropouts in the systems surveyed for the school years 1970-71, 1971-72, and 1972-73. A Subcommittee follow-up letter was mailed to the nonrespondent school districts in December 1973. To date, 516 school districts or 68.1 percent of the school districts surveyed have responded to the questionnaire. Several districts found it necessary to refer the study instruments to the municipal police department because the school did not maintain records of certain school-related offenses. Of the 516 respondents, 220 school districts returned incomplete questionnaires. Useful information was, however, gleaned from these incomplete responses. The incomplete questionnaires were primarily from school districts which were unable to provide the Subcommittee with the information requested due to the lack of adequate recordkeeping procedures for the entire three-years or from districts which had not implemented recordkeeping systems pertaining to school crimes until 1972 or 1973.

Our recently completed nationwide survey of over 750 school districts demonstrates that this concern is well founded. The statistics gathered by the Subcommittee indicate that violence in our schools affects every section of the nation and, in fact, continues to escalate to even more serious levels. The preliminary subcommittee survey found that in the three years between 1970 and 1973:

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[1] A Preliminary Report of the Subcommittee to Investigate Juvenile Delinquency—Committee on the Judiciary—U.S. Senate, April, 1975, pp. 2 and 4

(A) Homicides increased by 18.5 percent;

(B) Rapes and attempted rapes increased by 40.1 percent;

(C) Robberies increased by 36.7 percent;

(D) Assaults on students increased by 85.3 percent;

(E) Assaults on teachers increased by 77.4 percent;

(F) Burglaries of school buildings increased by 11.8 percent;

(G) Drug and alcohol offenses on school property increased by 37.5 percent; and

(H) Dropouts increased by 11.7 percent.

An even more ominous statistic for the future course of school safety is the fact that by the end of the 1973 school year the number of weapons confiscated by school authorities had risen by 54.4 percent in three years.

The conclusions to be drawn from the Subcommittee survey are supported by other studies of these problems. Simply put, the trend in school violence over the last decade in America has been, and continues to be, alarmingly and dramatically upward.

APPENDIX B

(You may want to duplicate this section and distribute it to parents)

SOME DO'S AND DON'TS FOR YOUR CHILD'S SAFETY

DON'T

- Send your child to school early without being sure another adult on the school end knows about it and approves.

- Ignore your children if they complain or say they are worried about being in certain places in the school or on the school grounds.

- Allow your children to remain in or around school buildings after school is over. If you pick them up and can't get there at the regular time, advise your children and make arrangements with someone you trust to pick them up for you.

- Assume that the present security system for the school is the best possible. Ask about how visitors are handled, how access to doors is controlled. Ask for written information on these matters, review it, think about it and ask questions. Make suggestions.

- Try to correct the problems in your school on your own. The odds are very high against success if you go it alone. Get others to join you.

DO

- Caution your children about talking with adults they don't recognize while in school in the halls, bathrooms or other places.

- Talk with school personnel about using children to run errands. This usually means they would be alone and increases danger to their safety.

- Encourage your child to report trouble — lunch money taken, physically roughed up, threatened. There seems to be plenty of convincing evidence that part of the reason why things have reached the crisis stage is that more and more people (adults and other students) began to realize that there was only a slim chance anyone would report the problem. If you do this, please remember the children deserve protection if someone tries to get back at them, assure them something will be done to follow-up on their report.

- Encourage your junior and senior high age child to think about talking with their friends if they are worried about violence in their schools and seeing if they want to form their own committee or become a part of a larger committee which includes adults.

- Make sure the rules, regulations and expectations you have for your child are clearly understood and followed. Remember your attitude is bound to set a tone for school behavior and response to school rules.

APPENDIX C

BRIEF DESCRIPTION OF SUPREME COURT DECISIONS

On January 22, 1975, and February 25, 1975, the Supreme Court decided two cases which expand the constitutional and statutory protections available to young people attending public schools.

In *Goss v. Lopez*,[1] the Court held that students have a right to a free public education which cannot be taken away by school officials through suspensions, even temporarily, without due process of law.

The Supreme Court ruled that students may not be deprived of the right to attend school through suspensions unless, at a minimum, they are first given oral or written notice of the charges against them. If those charges are denied, the authorities must give an explanation of the evidence which they have *and* students must be given a chance to explain their side of the story.

A serious punishment like suspension or expulsion cannot be imposed for a minor breaking of the rules or for the kind of conduct for which other students in the past have received only mild punishment. In addition to requiring that procedures for disciplining students be fair, due process requires that school rules themselves be fair.

WHAT "THE RIGHT TO DUE PROCESS OF LAW" MEANS

The U.S. Constitution requires that government agencies treat all persons fairly. Specifically, the 14th Amendment states that the government may not "deprive any person of life, liberty or property without due process of law."

In *Wood v. Strickland*,[2] the Supreme Court stated that school board members can be held liable for damages if they knew or reasonably should have known that the action they took would violate the constitutional rights of the student affected, or if they took the action with a malicious intent to deprive the student of constitutional rights or cause other injury.

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[1] For the full Supreme Court decision write U.S. Supreme Court, Washington, D.C. and ask for No. 73-898

[2] For the full Supreme Court decision write the U.S. Supreme Court, Washington, D.C. and ask for 73-1285

Special Note: The Robert F. Kennedy Memorial has developed a very helpful question and answer booklet on these recent Supreme Court decisions. For a copy write Robert F. Kennedy Memorial, 1035 30th Street, N.W., Washington, D.C. 20007. Ask for *Suspensions and Due Process: An Analysis of Recent Supreme Court Decisions on Student Rights*

APPENDIX D

ALTERNATIVES IN EDUCATION

There are a number of centers which focus on increasing the knowledge and understanding of alternative educational programs and styles. A few centers and publications are listed below. This should get you started.

Organizations

Educational Alternatives Project
School of Education—328
Indiana University
Bloomington, Indiana 47401
Write Dr. Vernon Smith

* * *

National Alternative Schools Program
Montague House—School of Education
University of Massachusetts
Amherst, Massachusetts 01002

* * *

Center for New Schools
59 E. Van Buren
Room 1800
Chicago, Illinois 60605

Materials

Optional Alternative Public Schools
Vernon Smith, Daniel Burke, Robert D. Barr
Phi Delta Kappa Educational Foundation
Bloomington, Indiana 47401 $.50

Matters of Choice—A Ford Foundation Report on Alternative Schools
1974—Ford Foundation Office of Reports
320 East 43rd Street, New York, New York 10017. No cost listed.

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The Growth of Alternative Public Schools
Occasional Newsletter on Alternative Schools No. 12—1975
Changing Schools, School of Education, Indiana University
Bloomington, Indiana 14749

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Selected Bibliography on Optional Alternative Public Schools 1972—1974
Occasional Newsletter on Alternative Public Schools No. 011 1974
Changing Schools, School of Education, Bloomington, Indiana 47401

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P.S. 2001—The Story of the Pasadena Alternative School—can be ordered from Phi Delta Kappa—8th and Union, Bloomington, Indiana, 47401. Cost $4.95

Alternative Programs in the Philadelphia Public Schools—1975. Alternative Programs Office—Room 208, School District of Philadelphia, 21st and Parkway, Philadelphia, Pennsylvania 19103.

Alternative Schools—The Development of Options in Public Education. Vernon H. Smith—Professional Educators Publications, Inc., Lincoln, Nebraska, 1974. $1.75

APPENDIX E

WHERE TO GET MORE INFORMATION

FROM THE U.S. GOVERNMENT—*Our Nation's Schools. A Report Card: "A" In School Violence and Vandalism*—Preliminary report of the Subcommittee to Investigate Juvenile Delinquency to the Committee on the Judiciary of the United States Senate, April, 1975. U.S. Government Printing Office, Washington, D.C., 1975. No cost.

Safe Schools Act—hearings before General Subcommittee on Education of the Committee on Education and Labor—House of Representatives, February 26, 1973—U.S. Government Printing Office, Washington, D.C. 1973.

FROM OTHER PLACES—*Security in the Schools—Tips for Guarding the Safety of Teachers and Students*—United Federation of Teachers, 260 Park Avenue S., New York, New York 10010. No cost listed.

Violence in the Schools: Causes and Remedies—Michael Burger: Phi Delta Kappa Educational Foundation, Bloomington, Indiana, 1974. $.50

Alternatives to Suspension—32-page handbook in tabloid style—"Behavior Contracts, Alternative Schools, In-School Suspension Centers, Good Administrative and Classroom Leadership, Working With Parents, Peer Counseling, Cool-Off Rooms, Student Advocacy and Cooperation Between School Districts and Family Courts." May, 1975—For a copy write: South Carolina Community Relations Program, American Friends Service Committee, 401 Columbia Building, Columbia, South Carolina 29201. Cost is $1.00 but there is a possibility that a certain number of copies would be sent without charge to parents and citizen groups. Ask about this when you write them.

A Safer Environment for Learning—Report by the Panel on School Safety appointed by the Academy for Educational Development. 95 pages—may be ordered from the Academy, 680 Fifth Avenue, New York, New York 10019.

Violence in the Schools: Now Some Solutions—The American School Board Journal, Volume 162, No. 1—pages 27-37, January 1975.

School Vandalism—Causes and Cures—National Association of Secondary School Principals Bulletin 59(387): January 17-21.

Youth Patrols: An Experiment in Community Participation—Knopf, Terry Ann Civil Rights Digest, 3; 2; 1-7, Spring 1970.

Violence Training—Lesnoff-Caravaglia, Contemporary Education; 45; 4; 292-5, Summer, 1974.

Parental Evaluations of Television Violence—Rarick, David L. Educational Broadcasting Review; 7; 1; 34-43, February 1973.

The Family Guide to Children's Television; What to Watch, What to Miss, What to Change and How To Do It—Daye, Evelyn (formerly known as Evelyn Sarson); Action for Children's Television, Boston, Mass. Pub. date 1974; 194 p. Available from: Pantheon Books, Inc., Division of Random House, Inc., 201 East 50th Street, New York, New York 10022. ($2.95)

Adolescents, Parents, and Television Violence—Chaffee, Staven H.; McLeod, Jack M., Wisconsin University, Madison. School of Journalism and Mass Communication. Publishing Date 1971 44 p. $.65

APPENDIX F

HAS YOUR STATE DONE ANYTHING LATELY? STATE LEGISLATION[1]

A variety of legislative proposals have been enacted into law at the state level to curb school violence and crime. California has been the most active with more than ten laws recently passed. The most comprehensive law is the Florida "Safe Schools Act" passed by the Florida legislature in 1973. The Act authorizes a program of financial assistance to school districts for the development of programs to cope with school security problems such as vandalism and disruptive students. Appropriations for the Act amounted to $1.85 million in 1973 and 1974. Funding under the Florida Act is allocated through a formula based on the number of full time students in a given school district for the year prior to the funding. In order to receive funding, the school district must submit a project plan for approval by the Commissioner of Education. Projects to date have provided security equipment, identification cards for students and security personnel and have enabled the development of programs in such areas as human relations and class management. The Florida House Committee on Education is currently developing a proposal for a change in the Safe Schools Act that would aim less at "hardware" for security equipment and more at innovative programming to deal with disruptive students.

The following are examples of recent legislation and activity in the states:

Arkansas 1974	Ch 127**	*Enacted* Sec. 14.33.050 Cooperation with law enforcement authorities. The state troopers or the police department of a political subdivision of the state may, upon request by the department, a school board, or a private or denominational school, assist in the training and control of safety patrols.
Arkansas	S.B. 250	*Proposed* General legislation giving greater specificity to student control and discipline
Arkansas	S.B. 269	*Proposed* A study commission
Arizona	S.B. 1290	*Proposed* Clarifies parent liability for student conduct
Arizona	S.B. 2148	*Proposed* General legislation to further specify student control and discipline

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*Passed Bill

**State Statute

[1] We are indebted to research and information services, the Education Commission of the States for help on this section. For more information on state legislative activity, they can be reached at 1860 Lincoln Street, #300, Denver, Colorado 80203.

Connecticut 1974	H.B. 5835* P.A. 74-78**	*Enacted:* (Human rights and opportunities) Concerning notification to parents in case of truancy, to provide that both the mother and father will be notified by the juvenile court as to the time and place of a hearing for truancy.
Connecticut	H.B. 6852	*Proposed:* Study commission.
California 1973	A.B. 1739* Ch. 988**	*Enacted:* Expands the definition of loitering on campus with the specific intent to commit a crime. "Loiter" is defined to mean "to delay, linger or idle about" a school with intent to commit a crime "as the opportunity appears." Such loitering is made a misdemeanor. Includes elementary, junior high, high schools, adult schools and makes it a misdemeanor for any person to fail to leave or to willfully and knowingly reenter school property after having been ordered to leave by the chief administrative officer or his designee.
California 1973	S.B. 1141* Ch. 598**	*Enacted:* Provides that county board of education of any county may establish regulations requiring the reporting of information by any or all public schools of the county relating to specified disruptive behavior on campuses or in programs and activities in which any school is engaged. Prohibits individual identification of any pupil in such reports. Provides that such reports may be distributed to specified parties for use in developing programs of delinquency or crime prevention.
California 1974	A.B. 124* Ch. 103**	*Enacted:* Exclusion of injurious objects and weapons from school campuses. Would be a misdemeanor to bring to, or possess upon, such campuses any dirk, dagger, knife with a blade longer than 3-1/2 inches, switchblade knife, or any razor with an unguarded blade. Empowers certificated and classified employees to seize such weapons or other contraband.
California 1974	A.B. 1287	*Enacted:* Prohibits corporal punishment.
California 1974	A.B. 2887* Ch. 235**	*Enacted:* To restore a misdemeanor penalty for unauthorized electronic "snooping" in school classrooms. Prohibits the use of electronic listening or recording device by any person in any classroom of the elementary and secondary schools without consent of teacher and principal. Makes willful violation by any person, other than a pupil, a misdemeanor. Makes pupil's violation a cause for appropriate disciplinary action.
California 1974	A.B. 2769* Ch. 257**	*Enacted:* Would allow the attendance supervisor, a peace officer or any school officer to assume temporary custody during school hours, of any minor subject to compulsory education found away from his home and

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*Passed Bill
**State Statute

		absent from school without a valid excuse.
California 1974	A.B. 3129* Ch. 317**	*Enacted.* Would provide for the formation of local "crossing guard maintenance districts" to provide for pedestrian crossing guards at street intersections for safety of school children. The city council or county board of supervisors would be the legislative body of such district.
California 1974	A.B. 3240* Ch. 476**	*Enacted.* This measure would authorize a school district of less than 8,000 average daily attendance and which has not established a security patrol to contract with licensed private patrol operators for such services; prohibits employees from carrying firearms in any school building or on school grounds. In effect until 7/1/76.
California 1974	A.B. 4522* Ch. 1182**	*Enacted.* Includes safety hazards and transportation strikes to circumstances under which state superintendent may allow emergency aid to school districts.
California 1974	S.B. 96* Ch. 1183**	*Enacted.* Includes K-12 schools under campus violence control provisions applicable to community colleges, California State Universities and Colleges and University of California campuses.
California 1974	S.B. 566* Ch. 1187**	*Enacted.* Requires specified persons ordered off school grounds not to return within 48 hours or suffer misdemeanor penalty.
California 1974	S.B. 1338* Ch. 340**	*Enacted.* Provides that any act of willful misconduct by a minor resulting in defacement of property (including school district property) with paint or similar substance is imputed to parents having custody and control of minor. Liability of the parents is limited to $2,000 for each such act.
California 1974	S.B. 1742* Ch. 1215**	*Enacted.* Would establish a School Attendance Review Board (SARB) in each county and school district to counsel and assist minors with classroom attendance or behavioral problems.
California 1974	A.B. 3516* Ch. 1062**	*Enacted.* Makes any minor whose willful misconduct results in injury or death to any student or any person employed by or performing volunteer services for a school district liable to suspension or expulsion and makes the parent or guardian liable for all damages up to $2,000 so caused.
California	A.B. 334	*Proposed.* Requires the Department of Justice to study vandalism and conduct pilot programs to deal with vandalism and to report to the legislature by 1977 regarding suggested programs to reduce vandalism.
Delaware 1974	H.B. 215 w/ H.A. 1*	*Enacted.* Judgment against parents of minors who steal or destroy property (10 DC § 928) providing for judgment against the parents of minors who steal or destroy property.

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*Passed Bill

**State Statute

Florida 1974		*Project.* Safe Schools Act—$1,850,000 appropriated by each of the 1973 and 1974 legislative sessions to finance local programs and activities designed to create a safe and orderly learning environment and reduce the incidents of vandalism and school disruptions. A variety of programs are currently in operation, e.g., in-school suspension, alternative classes/schools, security personnel and devices, human relations training, behavior modification centers, et al. Grant entitlements based on school district size.
Florida	H.B. 792* S.B. 1086* Ch. 73-348**	*Enacted.* Establishes program of state financial assistance to school districts in maintenance of school safety. $30 per instruction unit for first 30,000 pupils in school district, $40 for next 20,000, $50 for next 15,000, $100 in excess of 65,000, with plans for safe schools programs to be reviewed and approved by Commissioner for Education.
Georgia	S.B. 232*	*Enacted.* Provides that it shall be unlawful for any person to loiter or remain on the premises of any public school when the person has no legitimate reason to be present.
Hawaii 1974	H.D. 1* H.R. 154*	*Enacted.* Work with the Hawaii State Teachers Association to resolve the problem of supervision of students during nonschool hours.
Hawaii 1974	H.D. 1* H.B. 390*	*Enacted.* To establish a statewide school security patrol which shall be charged with the prevention of on-campus vandalism, hijacking, drug sales and use and other activities inimical to academic pursuits in the public schools. Calls for the assignment of patrol officers to designated campuses and their reporting to the appropriate police agency of cases requiring police action or attention. Appropriates $50,000 for establishing the statewide school security patrol and required the department of education to submit an evaluative report on the patrol to the legislature 20 days prior to the convening of the next regular session after the completion of the pilot project.
Indiana	H.B. 1793* P.L. 332*	*Enacted.* Makes it a misdemeanor for any person to refuse to leave the premises of any institution established for the purpose of education of students when such person is causing a disturbance—if requested by the principal or assistant principal.
Indiana	S.B. 338	*Proposed.* A bill to control specific school disturbances.
Indiana	H.B. 1365 H.B. 1515	*Proposed.* Bills to define procedures for the removal of persons from school property who are interfering with normal school procedures.

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*Passed Bill

**State Statute

Kansas	S B 83	*Proposed* General legislation giving more specification to student control and discipline
Louisiana 1974	H B 529* Act #289**	*Enacted* Those persons responsible for maintaining general order and exercising police power on college campuses shall be designated police officers and shall have right to carry concealed weapons and exercise power of arrest on campus or in hot pursuit off campus. Any person arrested by college or university police officer shall be immediately transferred by officer to custody of sheriff or city police. No person shall be commissioned as police officer unless he has completed 6-week program of the Basic Law Enforcement Training Academy of La. State Univ. and Agricultural and Mechanical College.
Louisiana 1974	H C R 125*	*Enacted* Authorizes continuation of task force to study problems of suspension and expulsion
Louisiana 1974	S B 607* Act 683**	*Enacted* Allows school principals to suspend pupil who uses any controlled dangerous substance. Adds the use of any controlled dangerous substance governed by the Uniform Controlled Dangerous Substance Law as a disobedient act for which a pupil may be suspended by a principal
Maine 1974	L D 417*	*Enacted* Regulates corporal punishment.
Maine	L D 11	*Proposed* An act restricting the use of weapons in public schools.
Minnesota 1974	H F 3054* Ch 529**	*Enacted* Amends M.S. 120.06, subd. 1. Provides that the conduct of all students under 21 years of age attending a public secondary school shall be governed by a single set of rules promulgated by the school board.
Minnesota 1974	S F 2580* Ch 572**	*Enacted* Establishes grounds and procedures for the dismissal of public school pupils. Policy of act emphasizes prevention of dismissal through early detection of problems. Further, school is responsible for education of pupil during dismissal period. Grounds for dismissal are 1) willful violation of any reasonable school board regulation, 2) willful disruption of the education of others and 3) willful conduct which endangers other pupils or school property. No pupil may be suspended without conference. Written notice, statement of facts, readmission plan and copy of act shall be served pupil and parent, unless suspension is for one day or less. No pupil may be expelled without a hearing. Same as above shall be served pupil with addition of pupil's legal rights. Hearing shall be closed. Proceedings recorded at expense of school district. School board shall make written report within

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* Passed Bill
** State Statute

		30 days to Commissioner of Education with alternative programs accorded pupil prior to expulsion. Decision may be appealed to Commissioner. Decision of Commissioner subject to judicial review.
Maryland 1973	H.B. 740*	*Enacted:* Prohibits the use or possession of any intoxicating beverage by any person while on the premises of any public school and prescribing penalties therefor.
Maryland 1974	S.R. 74* Adopted	*Enacted:* Requesting the State Superintendent of Schools to appoint a special task force to study the problems raised by disruptive students and to develop suitable alternative programs.
Maryland	H.B. 902	*Proposed:* Clarifies parent liability for student conduct.
New Mexico 1973	S.B. 56*	*Enacted:* Allows rewards for turning in vandals or thieves of school property.
New Mexico	S.B. 98	*Proposed:* General legislation giving greater specificity to student control and discipline.
New York	A 288	*Proposed:* Requires school employees to make written reports of assaults upon them by pupils.
North Carolina 1973	S.B. 286*	*Enacted:* A resolution directing a Senate committee to study the problem of student unrest, discipline, in public schools.
North Carolina 1974	S.B. 639* Ch. 1347**	*Enacted:* Makes it a misdemeanor to interfere with the teaching of students in a public school or private school, or to disturb the "peace, order and discipline" of any school.
North Carolina 1974	H.B. 2000B* Ch. 1218**	*Enacted:* Increases from $50 to $300 the reward that boards of education are authorized to offer for information leading to arrest in cases of vandalism or larceny within the public schools.
Ohio 1974		*Study:* The staff of the Legislative Service Commission is preparing a report on the use of corporal punishment in the public schools of Ohio.
Oklahoma 1973	H.B. 1274* Art. 24 Title 70	*Enacted:* Authorizes superintendents and principals to order certain persons to leave school building and grounds and providing penalties for noncompliance.
Oklahoma 1973	H.B. 1278*	*Enacted:* Allows for the suspension of pupils for possession and allows for the search and seizure of dangerous weapons and controlled dangerous substances.
Pennsylvania 1974	S.R. 22*	*Enacted:* To study causes of juvenile delinquency, drug use and other problems of youth.
Rhode Island 1973	H.B. 5893A*	*Enacted:* Subjects willful trespassers on the grounds of public or private institutions of higher education to a fine of up to $500 and six months in jail.
South Carolina	H. 2158	*Proposed:* A bill to prohibit vandalism on school property and while on school buses and provides for penalties.

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*Passed Bill

**State Statute

South Carolina	H 2159	*Proposed* Amends the South Carolina Code to provide penalties for breaking and entering school property and committing vandalism thereon. Provides for rewards for information leading to the arrest and conviction of violators.
South Dakota 1974		*Activity* Student due process hearings—standards for procedural due process hearings for students who have been suspended or expelled from school. A brochure has been published which contains these standards as well as guidelines and background information for establishing a procedure by school boards
Tennessee 1973	S B 1149* H B 776* Ch 256**	*Enacted* Provides that loitering or prowling on grounds of school property day or night is a misdemeanor, also for purpose of spying or peeping
Texas 1973	H B 849*	*Enacted* Protection of persons and property under control of a school district
Utah	H B 4	*Proposed* Provides reimbursement to educators for economic loss resulting from physical attacks
Utah	H B 177	*Proposed* Clarifies parent liability for student conduct
Vermont 1974	H 373* 13USA 32801 2814	*Enacted* Relating to obscenity defining and prohibiting for minors
Vermont	H 273	*Proposed* Specifies the conditions under which corporal punishment and physical restraint can be used to control pupils
Virginia 1974	H J R 84	*Enacted* Virginia Advisory Legislative Council directed to make a study to determine the need for assistance from state funds for establishing programs to prevent disruption of their public schools
Virginia	H J R 95	*Proposed* Expresses the sense of the General Assembly regarding the need for order in the public schools
Washington	E S H B 757*	*Enacted* It allows volunteer adult supervision of school patrols and authorizes employment of adults as supervisors and members of the school patrol. All adults will be subordinate to any peace officer with jurisdiction in the area. School districts can buy liability insurance for adult volunteers
Washington 1974		*Study* This subcommittee may propose a comprehensive school safety bill covering buses, playgrounds, school patrol, adult volunteers, etc
Wisconsin 1974	A B 252* Ch 94**	*Enacted* Establishes a procedure for suspension or expulsion of a pupil from school which must include notice of the reasons. In suspension cases, the pupil is entitled to a conference with the school district administrator after the suspension; in expulsion cases the pupil is entitled to a hearing prior to the expulsion

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*Passed Bill

**State Statute

APPENDIX G

A LOOK INTO YOUR LOCAL SCHOOL DISTRICT

This section outlines a process you can use to determine local public opinion about schools and education. It provides, in a very simple way, a guide to the kinds of information needed.

How To Conduct A Survey[2]

Probably you'd like to ask every question available. Don't! You will overtax your interviewers and respondents—and have so much data to tabulate and analyze that detail may obscure the total picture. A 30-minute (or less) interview is what you should strive for. The way to determine the length of an interview is to try the questionnaire on one respondent at a time, paring your list of questions until an average interviewer and respondent take no more than half an hour to go through the entire procedure, including the population statistics questions. All questions must be carefully and impartially worded, a task demanding great skill. To cut coding and tabulation time, we strongly urge you to use the minimum of "open" questions. An open question is where you ask a question that cannot be checked yes or no or cannot be marked off on the basis of categories decided on ahead of time. You would need to take time to write down what the person said.

DESIGN OF THE QUESTIONNAIRE

We suggest that the interviewer use his or her opening lines to identify himself and the purpose of the visit. The first question provides needed information and sets the stage easily.

Here is a reproduction of the first page of a typical survey.

Hello, I'm ____________________________ and I would like to talk with you about the schools in this neighborhood.

1. As you know, in some communities there are three kinds of schools—the public schools, the parochial (or church-related) schools, and the private schools (sometimes called "independent" schools).

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[1] Most of the material in this section is adapted from Chapter 7 *The Gallup Polls of Attitudes Toward Education 1969–1973,*** published by Phi-Delta Kappa, Bloomington, Indiana, 1974. ($2.25) A very useful book containing over 100 education-related questions asked of citizens about their schools. A gold mine of help in the way questions should be asked.

[2] *Important Note:* Users of information from** do not have permission to use in any form the name of "Gallup," "Gallup International," or "Gallup Poll."

[3] For examples of questions directly related to violence, vandalism and alternative educational programs see Appendix H.

a. First, I'd like to know if you, yourself, have any children in the local *public* schools?

______Yes, how many ______No

b. *Parochial* or *Private* schools?

______Yes, how many ______No

2. What do you think are the biggest problems with which the *public* schools in this community must deal?

3. How much do you know about the goals of your local public schools: quite a lot, not very much, almost nothing?

____Quite a lot ____Not very much ____Almost nothing

Now, place the selected survey questions in appropriate order. Place questions so that any one question or response does not suggest a response for a subsequent item. For example, in the following list the second two questions could suggest answers for the first question, an undesirable situation.

- What do you think are the biggest problems with which the public schools in this community must deal?
- How do you feel about the discipline in the local schools—is it too strict, not strict enough, or just about right?
- Some people feel the schools do not go far enough in regulating the way boys and girls dress for school. Do you think there should be greater regulation of the way children dress for school, or less?

Before your questionnaire is printed, ask the person who will summarize the data to properly "pre-code" the "closed" questions (those with answer blanks).

Maps of the individual areas for interviewing assignments are as important as the process of selecting these areas. The following criteria should be used:

- The maps must show the most recent subdivisions and indicate in detail such features as streets, school attendance boundaries as well as parks and other special features.
- The maps should be black and white so that they can be easily marked and copied, and they should be sufficiently detailed for easy reading.

Such maps are usually available at the city or county engineer's office.

A map reproduction of the assigned area should be prepared for each interviewer. Lines are marked in red ink to indicate the boundaries of the interviewing area; and "x" should be marked to indicate the point at which the interviewer should begin the interview.

RECRUITMENT OF INTERVIEWERS

At the crux of the data gathering are the interviewers who objectively gather opinions and facts on questionnaires from people in their assigned areas. In recruiting, try to obtain a cross-section of citizens; this helps to prevent a bias in influencing responses to questions. Explain that the assignment will take about 10 hours of each person's time, including a training session to be held on (date). Recruit about 20% more, so that there are substitutes in case of illness or other reasons for some not following through on their assignments.

TRAINING INTERVIEWERS

The major tasks to be accomplished during the session are:

1. Convince interviewers of the importance of the survey and of doing the interviewing to the best of their ability.

2. Emphasize the importance of remaining neutral as the interview is being conducted. This is an absolute mandatory stance on the part of the interviewer.

3. Teach them how to interview. Have them "pair off." Distribute one questionnaire to each pair. Tell them that one in each pair will interview the other. Give them these general rules:

   - Read all questions exactly as they are worded. Each word has been included to serve a certain purpose. Changing any word or phrase can alter significantly the meaning of a question and therefore can completely destroy the purpose and usefulness of that question.

   - Use number 2 pencils to record responses; these provide the most easily read markings for those who will code and tabulate.

   - Use a clipboard or magazine under the questionnaire to provide a firm writing surface.

Now have them start the interviews. As problems emerge, stop the entire group, explain the problem and its importance, and suggest how it be handled. Or decide to wait until these interviews are completed and then discuss all problems that emerged and how to handle them.

The questionnaires are collected and new questionnaires distributed, one to each pair. Now the other person becomes the interviewer.

What have you accomplished? All interviewers are now familiar with the questionnaire and the procedures.

Close the meeting by telling them when and where they will get their assignments and the importance of following all instructions they receive.

Finally, distribute a printed form telling:

- When and where they will get their assignment (yes, they will forget your verbal instructions).
- The dates and hours of interviewing.
- What to do if they cannot fulfill their commitment.
- When and where they should return the completed questionnaires.
- Important planning item—you may have to provide baby-sitter services during your training session and later on when the actual interviewing is done.

INTERVIEWING ASSIGNMENTS

Start interviewing within a day or two after the training session. The interviewers are excited and interested at this point; if time lags between training and interviewing, interest will be lost and instructions forgotten. Schedule interviewing time for weekday evenings or anytime on weekends, depending on what is best in your community. In this way everyone has an equal chance of being interviewed, whether he works or not.

Assign a team leader for every 10 interviewers. He or she assumes responsibility for putting together, picking up and delivering materials, plus filling in as an interviewer if the need arises.

The envelope in which material will be delivered and returned should contain:

- Instruction sheet
- Identification button or card
- Questionnaires
- Assignment sheets
- Maps

Assign no more than five or six interviews to each volunteer.

We recommend an interviewer not be assigned streets on which he is known, so that respondents will feel more free to express themselves.

It is important to keep good records of which interviewers are assigned to which areas—who still has materials—who has returned materials—who has completed his assignment—who has not.

PROCESSING THE RESULTS

The reduction of many questions to a relatively few pages of statistical tables takes three steps:

- *Coding Responses.* To deal with the numerous individual responses for "open" questions, establish a coding system so that replies of the same nature can be grouped into categories. Each category is assigned a number. After carefully reading each response, the "coder" assigns the appropriate number in the margin of the questionnaire. A miscellaneous category covers answers too few to warrant a separate category.

"Closed" questions have been precoded before duplication, as suggested in "Design of the Questionnaire."

- *Transferring Data.* Coded responses for each question are then tabulated manually. All data is then in a form easily analyzed.
- *Counting and Sorting.* The example below, and it is only an example, illustrates what can be done with information.

Q. Do you think children watch television too much?

_____Yes _____No _____No opinion

A manual tabulation gives the answers:

Yes	206
No	179
No opinion	12
Total	397

Results should be tabulated in percentages. Depending on the questions asked, you may get data divided in many ways. Following are a few of those which correspond to the Gallup reports.

Adults
No children in schools
Public school parents

Parochial and private school parents

Sex
- Men
- Women

Age
- Under 21 years
- 21 to 29 years
- 30 to 49 years
- 50 years and over

High School Juniors and Seniors (If included in survey).
- Public school
- Parochial school
- Private school
- Under 15 years
- 16 years
- 17 years
- 18 years
- 19 years and over

APPENDIX H

SPECIFIC QUESTIONS DEALING WITH VIOLENCE AND VANDALISM

QUESTIONS SUGGESTED BY A PARENT

Do you feel your school is safe for children?

Yes ____ No ____

How much violence and vandalism take place in your school?

None________ Very little________ It Happens Quite A Bit________ A Great Deal________

Who do you think is committing these acts? Individual children________ Outsiders________

Adults-Suspended Students________ Gangs____

Other________

What do you think are the causes of violence and vandalism?

Students feeling turned off________ Lack of Recreational facilities________ Lack of discipline at home________ Violence on T.V.________

Lack of gun control laws________

What are some changes or solutions you think would make schools safer?

1. Clearer rules and regulations________

2. Greater Enforcement________

Are you interested in attending a meeting on making our schools safer?

As a specific example of how the Gallup poll asks questions about crime, discipline and special program efforts, this section is quoted from the September, 1974 issue of the Phi Delta Kappan, Vol. LVI, No. 1, pages 21-24 and 28-29, "Sixth Annual Gallup Poll of Public Attitudes Toward Education," by George Gallup.

CRIME WITHIN THE SCHOOL

Those who participated in the planning of the present survey expressed the concern that a growing problem within the school is crime. Two questions, therefore, were added to the present study to determine the impressions of the public in this matter.

The first question asked:

> From what you have heard or read, is it your impression that stealing (money, clothes, lunches, books, etc.) goes on a great deal, some, or very little in the local public schools?

The second question asked:

> Are student gangs that disrupt the school or bother other students a big problem, somewhat of a problem, or not a problem in the local public schools?

	National Totals %	*No Children in Schools* %	*Public School Parents* %	*Parochial School Parents* %	*High School Juniors & Seniors* %
Stealing					
Goes on a great deal	33	30	35	50	37
Some	34	31	39	29	47
Very little	15	13	18	5	15
Don't know/ no answer	18	26	8	16	1
Student Gangs					
Yes, a big problem	17	18	14	21	14
Somewhat of a problem	31	29	33	36	40
Not a problem	32	26	44	28	45
Don't know/ no answer	20	27	9	15	1

The findings are disturbing, and suggest that something must be done if the public's confidence and respect for the school is to remain at a high level.

Analysis of the findings by areas of the nation and by size of city sheds further light on the problem of crime within the schools.

The question:

> From what you have heard or read, is it your impression that stealing (money, clothes, lunches, books, etc.) goes on a great deal, some, or very little in the local *public* schools?

	Great Deal %	Some %	Very Little %	Don't Know/ No Answer %
NATIONAL	33	34	15	18
Sex				
Men	29	36	17	19
Women	36	34	12	18
Race				
White	32	36	14	18
Nonwhite	35	26	21	18
Education				
Elementary grades	31	25	20	24
High school	34	33	15	18
College	31	42	12	15
Region				
East	31	33	16	20
Midwest	31	39	14	16
South	30	32	16	22
West	40	31	13	16
Community Size				
500,000 and over	38	32	12	18
50,000 to 499,999	35	37	13	15
2,500 to 49,999	33	35	12	20
Under 2,500	23	34	22	21

Are student gangs that disrupt the school or bother other students a big problem, somewhat of a problem, or not a problem in the local *public* schools?

	Big Problem %	Somewhat Of a Problem %	Not a Problem %	Don't Know/ No Answer %
NATIONAL	17	31	32	20
Sex				
Men	18	29	35	18
Women	16	33	31	20
Race				
White	15	31	34	20
Nonwhite	26	28	28	18
Education				
Elementary Grades	21	27	29	23
High school	19	31	31	19
College	12	32	38	18
Region				
East	18	30	35	17
Midwest	14	34	33	19
South	14	31	34	21
West	23	29	27	21
Community Size				
500,000 and over	23	32	26	19
50,000 to 499,999	21	39	21	19
2,500 to 49,999	14	29	34	23
Under 2,500	7	23	51	19
Central city	30	38	12	20
Central city suburbs	15	32	35	18
Non-central cities	10	25	45	20

What To Do with the Noninterested Student

Important in dealing with discipline is the question of what to do with the student who is not interested in school work and who, consequently, is prone to be a troublemaker. Many educators have suggested that such students be permitted to leave school rather than waste their time—and that of other students—by remaining in school.

The public has not accepted this point of view, chiefly because no agency is prepared to take responsibility for those released from school.

The main question:

> Some students have no interest in school work as now offered in junior and senior high school and they become a problem. Here are some ways that have been proposed for dealing with these students. Will you tell me in the case of each proposal whether or not you approve of it?

The subquestion:

> Permit these students to quit school?

	National Totals %
Approve	18
Disapprove	78
No answer	4
	100

When the same question was put to the special sample of high school juniors and seniors, a significantly different response was obtained. More than twice as many high school juniors and seniors would permit a student to quit school—44%, to be exact. Moreover, 22% of those interviewed say they would prefer to take a full-time job rather than to continue in school.

The question:

> If you could get a good full-time job, would you prefer taking the job or would you prefer to continue going to school?

	High School Juniors & Seniors %
Prefer full-time job	22
Prefer to continue school	78
	100

In the present survey, five different proposals for dealing with these students were offered—in addition to one which would permit the student to quit school. Interestingly, the public approves of each of the five proposals by a heavy majority.

Of the five proposals offered, the one receiving the highest favorable vote calls for special courses which would train students for jobs.

Another plan that both students and their elders favor offers a middle ground. This plan would have "business and industries" provide on-the-job training as a substitute for regular school. Presumably, under this plan the school would keep a close check on the student.

A plan that would offer a work-study program with one-half day spent in school and the other half at training on the job produces a favorable response from 86% of the general public, 90% of high school juniors and seniors.

Giving school credit for volunteer work done during the school day—with an approved organization, such as a local hospital, day-care center, and the like—appeals to a large majority, as do special school programs, designed especially for students with out-of-the-ordinary interests and talents.

The conclusion that seems warranted, at least from the public's viewpoint, is that the schools of the nation have a green light to devise programs that will permit high school students to spend a great deal of their time outside the school with on-the-job training or doing the kind of volunteer work that will lead to a job.

The main question:

> Some students have no interest in school work as now offered in junior and senior high school and they become a problem. Here are some ways that have been proposed for dealing with these students. Will you tell me in the case of each proposal whether or not you approve of it?

The subquestion:

> Have businesses and industries provide on-the-job training as a substitute for regular school.

	National Totals %	High School Juniors & Seniors %
Approve	74	82
Disapprove	21	14
Don't know/no answer	5	4
	100	100

The subquestion:

> Have special training courses which would prepare them for jobs.

	National Totals %	High School Juniors & Seniors %
Approve	94	97
Disapprove	4	1
Don't know/no answer	2	2
	100	100

The subquestion:

Have a work-study program (½ day at school, ½ day on-the-job training).

	National Totals %	High School Juniors & Seniors %
Approve	86	90
Disapprove	9	10
Don't know/no answer	5	0
	100	100

The subquestion:

Give school credit for volunteer work during the school day with an approved organization such as a local hospital, day-care center, and the like.

	National Totals %	High School Juniors & Seniors %
Approve	77	83
Disapprove	17	15
Don't know/no answer	6	2
	100	100

The subquestion:

Have separate programs for students with out-of-the-ordinary interests and talents.

	National Totals %	High School Juniors & Seniors %
Approve	79	83
Disapprove	14	13
Don't know/no answer	7	4
	100	100

Automatic Promotion

The policy of automatic promotion finds little support throughout the nation. A slightly higher percentage of high school juniors and seniors than adults support this idea, but even among this group only 10% favor automatic promotion as opposed to 87% who favor a plan that would require a student to repeat courses that he failed but permit him to go on to the next year in the subjects that he passed.

The question:

Some students are not able to keep up with their classmates and therefore fail their work. Which of these two ways of dealing with this problem do you prefer?

	National Totals %	High School Juniors & Seniors %
Automatic promotion	7	10
Repeat failed courses	90	87
No opinion	3	3
	100	100

How To Handle the Recalcitrant Student

While the noninterested student poses a special problem, what to do with the recalcitrant student presents a more vexing discipline issue. Complicating matters, the courts and school boards have set guidelines in many communities, with the result that teachers and administrators are at a loss to know how to deal with a student who consistently refuses to obey orders. Obviously, disciplinary action must take account of community attitides.

With this fact in mind, an effort was made in the present study to gain some insight into the public's views. The question was posed: "What should be done with a high school student who refuses to obey his teachers?"

Oddly enough, parents of school children and high school juniors and seniors take a more punitive attitude than do persons who have no children in school. Slightly more than half (57%) of the parents of school children interviewed said they would expel the student, see that he spent extra time in school, or recommended that he be paddled. Those who opted for a type of rehabilitation ("counsel," "work-study program," "change of teachers or courses," "transfer to another school," "discussions with teachers and principals," "involvement of parents," and similar remedial measures) constitute 59%.

FURTHER BREAKDOWNS

Detailed and different breakdowns of some of the responses to 1974 poll questions are provided in this section as a supplement to tables already presented.

The Major Problems

What do you think are the biggest problems with which the public schools in this community must deal?

	National Totals %	No Children In Schools %	Public School Parents %	Parochial School Parents %	High School Juniors & Seniors %
Lack of discipline	23	21	26	29	32
Integration/segregation problems	16	17	14	17	14
Lack of proper financial support	13	11	15	17	9
Use of drugs	13	13	12	15	13
Difficulty of getting "good" teachers	11	10	13	15	11
Size of school/classes	6	4	9	8	8
Parents' lack of interest	6	6	6	4	2
School board policies	4	3	6	7	2
Poor curriculum	3	4	3	3	7
Lack of proper facilities	3	2	5	3	6
Pupils' lack of interest	2	2	2	*	14
Poor communication	*	*	1	1	4
Miscellaneous	4	3	6	7	3
There are no problems	3	3	3	*	2
Don't know/no answer	17	23	9	7	7

*Less than 1%

What to Do with the Noninterested Student

Some students have no interest in school work as now offered in junior and senior high school and they become a problem. Here are some ways that have been proposed for dealing with these students. Will you tell me in the case of each proposal whether or not you approve of it.

A. Permit these students to quit school.

	National Totals %	No Children In Schools %	Public School Parents %	Parochial School Parents %	High School Juniors & Seniors %
Approve	18	21	14	12	44
Disapprove	78	74	82	84	53
Don't know/no answer	4	5	4	4	3
	100	100	100	100	100

B. Have businesses and industries provide on-the-job training as a substitute for regular school.

Approve	74	77	70	67	82
Disapprove	21	17	26	31	14
Don't know/no answer	5	6	4	2	4
	100	100	100	100	100

C. Have special training courses which would prepare them for jobs.

Approve	94	93	94	95	97
Disapprove	4	3	5	3	1
Don't know/No answer	2	4	1	2	2
	100	100	100	100	100

D. Have a work-study program (½day at school, ½ day on-the-job training).

Approve	86	85	89	86	90
Disapprove	9	9	9	12	10
Don't know/no answer	5	6	2	2	*
	100	100	100	100	100

E. Give school credit for volunteer work during the school day with an approved organization, such as a local hospital, day-care center, and the like.

Approve	77	77	77	74	83
Disapprove	17	15	20	24	15
Don't know/no answer	6	8	3	2	2
	100	100	100	100	100

F. Have separate programs for students with out-of-the-ordinary interests and talents.

Approve	79	76	82	82	83
Disapprove	14	14	13	15	13
Don't know/no answer	7	10	5	3	4
	100	100	100	100	100

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* Less than 1%

What would make school more interesting and useful to you?

	High School Juniors & Seniors %
Wider variety of subjects	35
Better/more interested teachers	14
Extracurricular activities	10
Freedom to choose courses	8
Better preparation for non-college students	8
Better facilities	6
More free time	6
Better student/teacher relationships	3
Open classrooms	2
Better relationships between students	1
Miscellaneous	6
Nothing—it's all right now	8
Don't know/no answer	10
	117*

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* Totals exceed 100% because some respondents gave more than one answer

Automatic Promotion

Some students are not able to keep up with their classmates and therefore fail their work. Which of these two ways of dealing with this problem do you prefer?

	National Totals %	*No Children In Schools* %	*Public School Parents* %	*Parochial School Parents* %	*High School Juniors & Seniors* %
Promote them anyway	7	6	8	7	10
Hold them back	90	90	89	88	87
Don't know/no answer	3	4	3	5	3
	100	100	100	100	100

How To Handle the Recalcitrant Student

What should be done with a high school student who refuses to obey his teachers?

	National Totals %	*No Children In Schools* %	*Public School Parents* %	*Parochial School Parents* %	*High School Juniors & Seniors* %
Punitive Action					
Suspend/expel	31	30	32	33	41
Punish	11	11	11	6	4
Detention time	4	3	6	5	8
Paddle	7	7	8	3	3
Rehabilitation					
Counsel	13	13	14	15	17
Provide work/study program	1	1	1	2	2
Discussions with principal, teachers, juvenile authorities	8	8	7	9	18
Involve parents	22	19	26	30	13
Provide special curriculum/teachers	10	9	11	12	3
Miscellaneous	3	3	2	*	6
Don't know/no answer	10	12	7	11	7

*Less than 1%

APPENDIX I

Family Educational Rights and Privacy Act of 1974: A Brief Summary

On August 21, 1974 President Ford signed into law the Family Educational Rights and Privacy Act of 1974 (Public Law 93-380, hereafter "Act"). The new law applies to all educational institutions receiving funds from the Office of Education, Department of Health Education and Welfare. In order to continue to receive federal funds, such schools must afford parents of children under 18 years of age the following rights:

- The right to inspect and review the education records kept by school systems on their children;
- The right to challenge the accuracy, appropriateness or misleading nature of the information placed in their child's school file, and to have such information corrected or deleted;
- The right to limit the number and type of individuals who will be able to see their child's education records;
- The right to receive a list of those individuals who have been permitted to see their child's education records;
- The right to be notified every time their child's education records are turned over to a court by judicial order or subpoena;
- The right to be notified by school authorities about the Family Education Rights and Privacy Act provisions.

Once a student becomes 18 or enrolls at a post secondary educational institution, all the rights afforded to parents by the Act become the sole rights of that student.

The Act took effect on November 19, 1974. On December 31, 1974 President Ford signed into law several amendments to the Act which clarified and narrowed some of the rights listed above (Public Law 93-568). Congress wrote these amendments so that they would also be effective as of November 19, 1974.

Senator BAYH. Thank you, Mr. Rioux.

Mr. Levine will you proceed?

Mr. LEVINE. Mr. Chairman, thank you for the opportunity to appear. I have submitted a written statement, and I will not belabor the committee by going through it again word by word, but will briefly summarize it.

Senator BAYH. It will be put in the record,[1] with no objections.

STATEMENT OF ALAN H. LEVINE, STAFF COUNSEL, NEW YORK CIVIL LIBERTIES UNION, STUDENT RIGHTS PROJECT, NEW YORK, N.Y.

Mr. LEVINE. Thank you, Mr. Chairman.

Let me just make a few remarks about it. I think these hearings are terribly important since they open up to public scrutiny pressing problems of the public schools.

I have some concern, however, about the focus on violence because I think it tends to create the impression that a complex educational problem is solvable by dealing with what I believe to be only the tip of the iceberg. Notwithstanding some of my fellow panel members, I don't believe that many students are living in fear and intimidation in schools, though no doubt in some schools there is an air of violence.

My own experience in New York City schools is reflected in a comment that I would like to quote for you. In the New York Daily News, a newspaper hardly known for its liberalism, the reporter says as follows:

> For myself, I can't report that I saw any hysteria, false or otherwise, in the schools. I was in a half dozen high schools, including some reputed to have the biggest problems. I was prepared for scenes from a modern-day "blackboard jungle," and what I found instead were schools that were clean, orderly, and unthreatened. I found security officers who were loose and informal, but still doing their jobs. And I found thousands of kids, kids who seemed to be totally unconcerned about the problem of violence. "Sure there is crime in the schools" said one senior girl at Franklin K. Lane High School, "but it's rare, mostly there are just a few kids involved in crime, and they usually only hassle each other. If you ignore them, they ignore you; it's not as bad around here as a lot of people think."

That's not to minimize the problem, but it is to suggest, as I said before, that it is the tip of the iceberg. My concern about emphasis on that tip of the iceberg is twofold. One, it focuses attention for the schools' failures on children, and not where I think they properly belong, on administrators, teachers, communities, local, State and Federal governments.

Second, I think it ignores the fact that whatever the problem of violence, there is a much greater potential for violence. As this committee heard in testimony from students, there are thousands and thousands of students in our public schools who are angry, bored, and frustrated. There are thousands who go to school and never graduate; there are thousands who are inexplicably promoted every year who cannot read; thousands who go to high school who are functionally illiterate; and there are thousands who are illegally suspended and excluded from schools.

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[1] See p. 136.

POTENTIAL FOR VIOLENCE

Those students may or may not be violent, and if they are not, it's testimony to their self-restraint. There is an enormous potential for violence; and I think if we don't see that problem in the context of complex educational problems which require educational solutions, I think we miss the point and encourage what I think is a rather dangerous solution. That is, if the problem of the public schools is violence, then get rid of violent kids, suspend them, exclude them, push them out, all sorts of practices extensively documented in the two reports of the Children's Defense Fund.

There is another alternative suggested and endorsed by Mrs. Kimmel, that I am equally concerned about, that is, instead of pushing students out of school, push them into special facilities with special curricula, with teachers with special skills. That is an old solution in this country. One need only look at the charters that set up State training schools and reformatories, and they sounded much the same. Many public schools have experimented with programs that talked about special facilities for special children with special needs. Those, inevitably, have become, with few exceptions, dumping grounds for the children that nobody else wanted, children that had special problems that the regular classes didn't know how to cope with.

Perhaps, if extensive resources were given to those special facilities, children would be able to overcome the stigma that attaches to being sent into one of these special programs. Inevitably, I don't think those special resources are forthcoming for children that the school labels as rejects.

That is not to suggest special services are not needed in schools, but I think as much as possible the schools ought to be trying to keep all students, with all kinds of special needs, in programs designed for them; and those who have not yet acted out their resentment and frustration, also need programs that are attuned to their special needs. I don't think a program should be specially designed just for those who became behavior problems.

I believe, as Mrs. Edelman does, that there is a need for alternative programs for all students, that alternative programs should be designed for a lot of students with special needs.

STUDENT RIGHTS AGAINST ARBITRARY AND DISCRIMINATORY TREATMENT

Let me, for the remainder of my remarks, deal with one aspect of a problem that I believe is related to school violence. I believe it's related to school violence on the basis of the rather elemental notion that how children are treated in school will have some impact on how they behave. I think largely they are treated arbitrarily; they are treated discriminatorily. I think the appropriate remedy for that problem is to afford them the same rights against arbitrary treatment and discriminatory treatment that the rest of our society enjoys.

In short, I am talking about guaranteeing for students certain rights that are not a reality in the schools. I think the practices in school make a mockery of the lesson about freedom that students learn in their classes. I think that students experience, as a number of reports have suggested, arbitrariness and powerlessness; and I think affording them certain rights will begin to deal with that feeling that they have in the schools.

I think in particular disciplinary procedures have to be reformed in ways, again, that the Children's Defense Fund study suggested. The Supreme Court decision that has been widely attacked by school professionals, in *Goss* v. *Lopez*, is a beginning step in that direction. I think the decision has been most irresponsibly criticized.

There are spokesmen for school professionals who say that *Goss* will impose susbtantial burdens on the schools. They ignore the fact that the hearing required by the Supreme Court is a most informal one in most instances.

They talk about the concern that that hearing will make students and principals adversaries of each other. Well, it's a decision to suspend the student that makes him or her the adversary to the principal, and not giving the student an opportunity to be heard.

They express concern that hearings will be used in lieu of guidance procedures, but there is nothing the Supreme Court said that implies that schools can not resort to guidance procedures.

But the Supreme Court did not go far enough, and I think somebody has to go further, and I suggest that perhaps the Congress can. Suspensions are an arbitrary and an abused form of disciplinary practice. The trivial grounds for suspension have been well documented. Suspensions are too often used as a first resort, rather than as a last resort. I suggest, like some other panelists, that suspensions should be confined to emergencies.

SUSPENSION AS AN EMERGENCY POWER

I commend for the committee's study the bylaw of the New York City Board of Education,[1] which labels suspension as an emergency power, and allows it only when the principal determines: That the overt behavior of that student prevents the orderly operation of the class or other school activities, or presents a clear and present danger of physical injury to school personnel or students.

That, at least in theory, substantially reduces the number of instances in which school officials can resort to suspension.

The bylaw also provides that suspension should be reviewed each day so that the routine 5-day or 10-day suspensions in most schools will no longer be the practice. Thus the suspension lasts only as long as the emergency lasts. That is what suspension is for, to relieve a certain incident in which tempers have flared, or violence occurred. That usually passes within a matter of hours, and yet, as a matter of course, suspensions continue for a matter of 5 or 10 days, or longer.

I have suggested in my written presentation other areas in which I think the committee ought to recommend legislation, and I won't review those here.

Like you, Senator, I'm concerned about excessive influence by the Congress in matters that should be of local concern. I am a believer in community control of education. I am a believer in community control of a great many government resources and government services.

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[1] See p. 139.

Nevertheless, I think the pressures on school boards are such that the protection of individual rights will not be forthcoming from them. We do not, on the whole, look to local and State governments for enforcement of the Bill of Rights for adults; I do not think that we can look to local and State enforcement for the creation and implementation of rights of students.

I suggest to you that the Congress might, in this Bicentennial year, proclaim, enact a Student Bill of Rights, which will apply to public schools throughout the country.

Thank you.

PREPARED STATEMENT OF ALAN H. LEVINE

It is small wonder that the subject of violence and vandalism in the schools commands such ready attention. Given the complexity of the problems facing public education, the temptation to look for easy and cheap solutions is compelling. If it turns out that what is mostly wrong with our public schools is violence and vandalism, then a simple solution suggests itself: get rid of the students who are causing it.

There are organized groups of school administrators and teachers who, by giving widespread publicity to school violence, have encouraged the belief that the problems of the public schools are caused by a handful of violent trouble makers. It is a belief that serves their purposes in a number of ways. It looks to students as the cause of the schools' failures, not teachers or administrators. It supports their demands for harsher disciplinary powers and, conversely, bolsters their opposition to student rights. And it justifies the practice of pushing out of school children with special needs and problems that the schools are unable or unwilling to cope with.

It also encourages a varient of the push-out approach that has a more appealing educational veneer than mere exclusion but often no less destructive consequences. I refer to the suggestion that violent or disruptive children be placed in alternative facilities that supposedly can attend to their special needs. Such facilities for students with so-called behavior problems have a long history in many school systems. Always they were to be places that would have specially trained teachers, working with specially designed materials in specially designed curricula. Almost invariably, they have turned into dumping grounds for all the students nobody else wanted. Predictably the extra resources that were to make those facilities work were not forthcoming; financially pressed school systems are hardly likely to lavish limited moneys on those students who have been labled rejects.

In fact, traditional programs fail to satisfy the individual needs of *many* students, whether or not their frustration results in behavior problems. Alternative programs should be designed for all students who need or want them, so that they do not have to resort to disruption or violence in order to escape from classes in which they are not able to learn.

I do not mean, by what I have said, that violence is not a problem in the schools. I believe, as many others have observed, that there cannot be meaningful education where there is substantial violence and disruption. But I believe also that there will not be substantial violence and disruption where there is meaningful education.

I believe, in short, that the educational and social failures of the schools are major contributors to school violence, and that to speak of preventing violence without addressing those failures is dangerous and misleading. So long as there are thousands of students who enter school every year who will never graduate, and thousands who are inexplicably promoted but can barely read or write, and thousands who get tracked into classes in which little or no learning takes place, and thousands who are subjected to arbitrary and oppressive rules and the discriminatory enforcement of those rules—so long as those conditions continue to exist, the schools will continue to breed anger, resentment and frustration, and they will be places where violence may erupt at any time.

I intend to address the remainder of my remarks to one aspect of those conditions I have described, the failure of schools to afford students the same rights enjoyed by all other persons in our society. That the issue of student rights is related to the problem under investigation by this subcommittee is suggested by an elemental proposition: how people behave is substantially affected by how they are treated. If students are treated more fairly, one source of their anger and frustration will be eliminated. Put differently, if there are peaceful channels through which students may secure change, they may be less likely to pursue violent ones.

On the other hand, it may turn out that the amount of violence in the schools may be entirely unaffected by guaranteeing students their rights. Such speculation, however, is irrelevant. Students must be guaranteed their rights because it is, first of all, the just and proper thing to do.

Beyond that, our schools are assigned the role of training boys and girls to function as citizens in a free society. We give our schools such names as George Washington, Thomas Jefferson, James Madison and Abraham Lincoln as evidence of the importance we attribute to that role. But we cannot expect students to take to heart their schoolbook lessons about freedom if their day-to-day lives in school make a mockery of those lessons. As Justice Jackson said for the Supreme Court over 30 years ago:

> That [schools] are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.[1]

The Supreme Court notwithstanding, many still resist the notion that students should have rights in school. Some refer to the now discredited principle of *loco parentis* and argue that school authorities, like parents, are only acting in the best interests of the children and should not be frustrated in that job by legal principles that come between them. However, it is clear that some students have been treated in ways that are not in their best interests and that legal principles have had to be invoked on their behalf. In any case, it is not the good intentions of government officials which determine whether the beneficiaries (or the victims) of their actions are entitled to the protection of the Constitution. As Daniel Webster said:

> Good intentions will always be pleaded for every assumption of power. . . . It is hardly too strong to say that the Constitution was made to guard the public against the dangers of good intentions.

What rights do I have in mind? They break down into a few areas that I will discuss separately. Looked at together, they reflect two basic themes—giving students a meaningful opportunity to be heard and a greater opportunity to participate in the decisions that affect their lives.

DISCIPLINARY PROCEDURES

Traditionally, matters of school discipline have been left to the absolute discretion of school authorities. In the past several years, courts have begun to limit that discretion, a trend climaxed by the recent Supreme Court decision in *Goss* v. *Lopez*.[2] As a result of those decisions, students are now guaranteed what is generally considered the most elemental principle of any system of justice—an opportunity to be heard before being punished.

Elemental or not, the *Goss* decision has been attacked by some spokesmen for school professionals. Their concerns ignore the facts of the decision.

1. No substantial burdens are imposed on school officials by the decision. The hearing that is required is, in most instances, an informal one before the principal.

2. Given the informality of the hearing, there is no reason why student and principal need come away from it as adversaries. If they do, it is because the principal has decided to suspend the student, and not because the student has been allowed to tell his or her side of the story.

3. The decision does not affect the school's ability to use its guidance resources. Schools remain free to offer guidance to students who engage in misconduct. A hearing is required only if the student is to be suspended.

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[1] *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624, 637 (1943).

[2] 42 L.Ed. 2d 725 (1975).

4. Hearings will not interfere with the school's power to punish students who engage in violent or disruptive conduct. Hearings will merely insure that students who are accused of such serious conduct are actually the ones who engaged in it.

Goss goes some of the way towards dealing with the problem of unjust suspensions. It leaves untouched, however, another abuse of the suspension power—the imposition of suspensions for the violation of trivial rules. There are many school districts in which a student can be suspended for violating *any* school rule. As a result, students get suspended for such offenses as chewing gum, smoking, long hair, tardiness and insubordination, which can mean anything a teacher or principal wants it to mean. Students even get suspended for truancy.

In view of the serious educational and social consequences that a student suffers as a result of being suspended, a strong argument can be made that suspensions are *never* justified. Some schools have adopted that policy. In any case, the instances in which suspensions can be imposed should be severely limited, and only after other alternatives have been explored.

The by-law of the New York City Board of Education regulating suspensions[3] is a good example. It calls suspensions an "emergency power", and permits suspensions only when the student's behavior "prevents the orderly operation of the class or other school activities or presents a clear and present danger of physical injury to school personnel or students". In addition, the suspension must be reviewed every day by the principal and may last only as long as the emergency lasts. Thus, a suspension resulting from an outburst of temper should ordinarily last no longer than the day on which it occurred.

Goss does not address itself to another aspect of school disciplinary procedures. Students are often not suspended, but instead are transferred to other schools, or placed in special programs, or barred from extra-curricular activities, or denied academic awards, sometimes even graduation. Any such substantial punishment or deprivation should entitle a student to a hearing.

Only a word about one other form of punishment not covered by *Goss*—corporal punishment. There is a substantial body of literature now available[4] that makes apparent the destructive effects, both educational and psychological, of this legalized form of child abuse. It should be abolished. Happily, several school districts have already done so.

Finally, some comments about searches. In some schools, random searches of students and lockers, often on the flimsiest of evidence or rumor, have become a routine aspect of disciplinary procedures. When the evidence or rumor concerns drugs or weapons or other such evils, the temptation to conduct a search, whether or not legal, is understandably great. But it is well to remember that every attempt to enlarge police power and diminish constitutional protections has been made by persons combating what they considered to be grave evils.

The right of privacy is an important one, valued by students no less than adults. In an effort to make students secure from crime we must not destroy the environment of confidence and respect that is the prerequisite to education.

Students must be afforded legal protection against arbitrary and unreasonable searches.

GRIEVANCE PROCEDURES

Students must be guaranteed an opportunity to be heard not only when accused of infractions, but when they have grievances about school policies or personnel. Students have complained before this subcommittee about courses, school policies, teachers and administrators. We hear such complaints regularly in our office. Sometimes one hears them at a student rally, or a sit-in, or in an underground newspaper.

There must be a place in schools where students can voice their complaints and, if reasonable, expect that they will be acted upon. If students are given no opportunity to influence what happens in the schools except by disrupting them, we can be fairly certain that such disruptions will occur.

STUDENT PRESS

One of the potential vehicles for student expression is the student press, both officially sponsored and underground. As a result of the Supreme Court decision in the *Tinker* case[5] 6 years ago, and several subsequent decisions of lower federal courts, the legal right of students to an uncensored press is well established. Nevertheless, as a recent report[6] demonstrates, the student press is still the captive of censorship-minded school principals.

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[3] Section 90, subdivision 2 of the By-Laws of the Board of Education of New York City.

[4] See, *e.g.*, Report of the Task Force on Corporal Punishment, National Education Association, Washington, D.C.

One example will illustrate. A staff member of a New York City high school newspaper submitted an article on student rights to the faculty adviser. In the article she criticized the principal for failing to distribute a circular advising students of their rights. She also mentioned the New York Civil Liberties Union as a place where students could go for assistance.

The adviser brought the article to the principal, who forbade its publication. She appealed his decision and, after several months of discussion between the principal and his superiors, and the threat of a lawsuit by the student, an edition of the school newspaper was published and distributed to students on the last day of classes.[7]

Similar stories can be told about too many other schools, usually with less happy endings. In such schools, the First Amendment, for all practical purposes, has been repealed, and the only independent student voice silenced.

A free press enjoys constitutional protection largely because the founding fathers thought that both government and the people would benefit from subjecting matters of public policy to independent scrutiny. The schools, too, would benefit if their newspapers were permitted to play that historic role.

If the rights I have described are to become a reality, Congress must enact appropriate legislation, with implementation and enforcement provisions such as those contained in the Family Educational and Privacy Act of 1974. Reliance on the judiciary is not adequate. While the courts have made significant decisions in this area, lawsuits are lengthy and expensive processes, available to no more than a handful of students.

Nor can we simply rely on the local school districts. While some school districts have enacted student rights codes, they have been notably unenthusiastic about enforcing them. And the overwhelming majority of school districts have not even gone so far as to enact codes.

Given the kinds of pressures to which school boards are subjected, it is unlikely that they will do anything meaningful in the area of student rights. After all, when schools are beset by disturbances, the rights of an accused instigator to due process hardly loom large. When the public wants action on the problems of drugs in the schools, neither the public nor school officials are much concerned about the loss of individual privacy occasioned by searches of students or their lockers. When school boards are caught in the financial squeeze between higher costs of providing education and tighter budgets, the right of a student to pass out an underground newspaper is unlikely to be a priority item on the board's agenda. Indeed, it isn't apt to be on the board's agenda at all.

Passage by Congress of a Student Bill of Rights would be effective and dramatic. What more appropriate way to celebrate the Bicentennial?

BYLAWS NEW YORK CITY BOARD OF EDUCATION

SECTION 90, SUBDIVISION 42—SUSPENSIONS

42. The following procedures shall exclusively set forth the emergency suspension powers of a school principal pursuant to paragraphs (b) and (d) of subdivision 6 of section 3214 of the Education Law:

1. The school principal shall have emergency power to suspend a student from participation in regular school activity when he determines that the overt behavior of that student prevents the orderly operation of the class or other school activities or presents a clear and present danger of physical injury to school personnel or students. Such suspension shall be reviewed daily by the principal and shall last only so long as the conditions continue to prevail, but in no case shall exceed 5 days. No student shall be placed under emergency suspension pursuant to this section twice consecutively or more than twice in one school year.

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[5] *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503 (1969).

[6] *Captive Voices: The Report of the Commission of Inquiry Into High School Journalism* (1974).

[7] Her story is described in a column entitled "To a Rebel Girl" by James Wechsler, *New York Post*, July 3, 1975.

2. The student's parents and the supervising assistant superintendent shall be immediately advised of any emergency suspensions by telephone or telegram and the reasons therefore. The parents shall also be informed by certified mail, posted on the day of suspension, that their child has been suspended, the reasons for the suspension and that their presence is requested at school for a conference, at which time the parent will be permitted the opportunity to discuss the findings leading to the student's removal from class, questioning the complaints and presenting additional information. At the conference the parent and the principal may each have the assistance of up to two other people unless both parties agree to additional persons. Plans shall be made to provide the maximum educational experience for the student. A copy of the certified letter to the parent shall be forwarded also to the supervising assistant superintendent. When suspended from the classroom, the student shall remain under the supervision of the principal until the end of the school day or until such time as the parent comes to claim his child.

3. If, after meeting with the school principal, the parent believes that the suspension was not justified, he may first appeal to the supervising assistant superintendent and then to the community school board or to the Central Board of Education to review the suspension decision. The parent shall have the right to present evidence through either oral or written procedures.

4. After a decision on an appeal is reached, the parent shall be informed of the decision in writing and the reasons therefore. In any case where the supervising assistant superintendent, a community school board or the Central Board of Education finds that the action of the student did not justify his suspension from classes, the student shall be exonerated and any record of disciplinary proceedings against him shall be expunged from his record.

[From the New York Post, July 3, 1975]

TO A REBEL GIRL

(By James A. Wechsler)

On the eve of an occasion celebrating the words and deeds of certain American agitators associated with a war for independence, these remarks are dedicated to a 17-year-old rebel girl named Priscilla Marco, just graduated from Long Island City High School after courageously defying the absurd absolutist who presides over that institution.

Miss Marco's turbulent senior year was recently climaxed by a modestly memorable achievement—the Board of Education's belated decision to publish an edition of the school newspaper that principal Howard L. Hurwitz had sought to suppress.

The explosive material Hurwitz deemed unfit for print consisted chiefly of an article Priscilla had written last October decrying, among other things, his refusal to permit circulation within the school of a Board of Education pamphlet called "Statement of Rights and Responsibilities of Senior High School Students."

Her comments also noted that there were no student editors of the paper. Dr. Hurwitz had placed its operations in the hands of the school's journalism class, thus effectively transforming it into the voice of his obedient faculty advisor and himself.

Five months after the initial censorship of her article, Miss Marco followed a friend's counsel and took her story to the New York Civil Liberties Union, where staff counsel Alan Levine began a tenacious crusade to bring the First Amendment to Dr. Hurwitz' bailiwick. It was largely as a result of his persistence—and Priscilla Marco's refusal to be intimidated by school and community pressures—that the Board of Education ultimately took the unusual step of sponsoring publication of the banned edition.

One may wonder why it did not simply order Hurwitz to lift the ban, but perhaps we must be appreciative of even limited victories for freedom. At least the controversial words were finally printed as the school year was ending.

Talking with Priscilla Marco yesterday was both a hopeful and depressive interlude. There was a certain reassurance in the spirit of a young woman who cared enough about so elementary an issue of freedom to endure the risk of combat with a notorious educational tyrant, and in the story of her parents who stood by her during the storm.

But I also had a sense of sadness about the state of a city in which there could be repressive and hostile response to so conscientious an exercise in free expression.

If all this had happened in Podunk, there would have been decisive commentary from our enlightened metropolis. But this happened in Queens with only fragmentary manifestations of local outrage.

On her commencement day, Pricilla Marco and her parents were obliged to listen to Hurwitz deliver a tirade against the civil libertarians who had rallied to her side, then watch most of her classmates and their elders dutifully applaud his tribute to his holy war against the intruders who had menaced the "safety" of his school.

While a few dissenters murmured friendly words to her after the ceremonies, Hurwitz could claim another day of dubious glory. He could embark on his summer hiatus confident his constituency still ratified his code of "discipline" and his crusade against "permissiveness." In an earlier time many had similarly rallied to him when he suspended kids, who engaged in anti-war protests and even personally took photographs of some of the demonstrators, reminding them later that their heresies would be recorded on their college applications.

Now Priscilla Marco is on her way to City College, where she is enrolled in the Urban Studies program. Beyond that she plans to attend law school, and journalism's loss will be the legal profession's gain.

So, despite the discomfort and harassment she has suffered, one cannot call her a casualty. Indeed, her example may have quietly moved and perhaps permanently influenced some faculty members and students who lacked the valor to speak up in her behalf during the critical encounters.

Nevertheless one must ask why she and her family so often had a feeling of isolation when she was fighting for no more "revolutionary" a position than the one uttered by a Supreme Court majority (with the Nixon appointees and Albert Shanker dissenting) affirming the legal rights of students to constitutional protections.

It may be demeaning to Miss Marco to emphasize that she is neither an aberrational bomb-thrower nor a shrill hell-raiser. But one must do so, because Hurwitz has skillfully identified her fight for the right to write and speak freely with the spectre of violence in the school, and with a massive "conspiracy" against the serenity of his domain.

This is infantile nonsense. Does school safety require submissive conformity? Have we reached the point at which we fear rather than welcome young people who exhibit devotion to the Bill of Rights? July 4th should be a day to think about the saga of Priscilla Marco, the principal who tried to silence her and the respectable citizens who gave him their cheers.

CRITERIA FOR STUDENT BILL OF RIGHTS

Senator BAYH. The idea of a student bill of rights—do you have specific criteria that you could let the committee have as to what should be covered in such a bill of rights?

Mr. LEVINE. I suggested some areas in my written statement, and I will be happy to discuss it with staff more particularly.

Senator BAYH. Yes; if you could give us some more particulars, we would appreciate that very much.

Mr. LEVINE. Certainly, Senator.

Senator BAYH. Thank you very much.

Mr. Phay, would you care to begin your statement now. You have a rather complete statement on written student conduct codes; if you would care to highlight it we would include it in the record[1] completely.

Mr. PHAY. Thank you, Mr. Chairman, that will be fine.

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[1] See p. 147.

STATEMENT OF ROBERT E. PHAY, PROFESSOR, PUBLIC LAW AND GOVERNMENT, UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL, N.C.

Mr. PHAY. Mr. Chairman, members of the staff. I would like to say first that I am the one witness who is representing only his own personal views. I am a professor of public law and government at the Institute of Government, the University of North Carolina at Chapel Hill. I am here at the invitation of staff to describe some of the ways in which serious student misconduct can be reduced, based on my work of over 10 years with students, teachers, professional associations, principals, superintendents, and school boards.

Before I get to the primary burden of my remarks, which deal with the need for written student conduct codes, I would like first to comment on the extent of the problem as I understand it.

I would say first that the major increase in crime that you report from 1970 to 1973 in the subcommittee's preliminary report—Our Nation's Schools—A Report Card: "A" in School Violence and Vandalism—has not continued in some localities that I am familiar with. In the last 3 or 4 years in the public schools of the South and Border States, serious student crime has decreased. I have talked to a number of superintendents and principals about crime in the schools and they report that things are much improved.

If you look at the statistics alone, there is a possibility of overreaction that I think is dangerous. I have seen a number of schools overreact to the problem of student misconduct by automatically suspending students, particularly those that are difficult. I think suspension, as several witnesses already have testified, does not result in a reduction of their violent conduct; it just removes it from the school to another place. In fact I suspect that the misconduct increases when students are out of the jurisdiction of the school.

With respect to the causes of student unrest, they are many and varied, and we really don't have time to catalog them all. I think it's important to note, however, that they range over issues that the school really has very little control—such as the CIA, racial discrimination in the American society, and the events in Southeast Asia—to other issues that the school does have some control over, such as dress and hair regulations.

I also think that the misconduct found in schools today basically reflects the society at large, and the increase of crime in school merely mirrors the increase in crime in the American society. In fact, we are dealing with an age population that produces 50 percent of society's crime—the 14-to-23 age limit—and most of this population is found in our public schools.

PUBLIC ATTITUDES TOWARD EDUCATION

Another problem or complication is reflected in the last Gallup polls, on public attitudes toward education. It reported that the public considers lack of discipline in the public schools today as the primary problem with our schools. The public polled went to school 30 years ago, and what they are looking for is discipline in a school that is similar to what they experienced. I think last week's syndicated article by James Kilpatrick clearly reflects this when he asks, "Where is the discipline by teachers that I knew when I was a student?"

The problem is that schools 30 years ago were primarily a middle class and white or black or ethnically identifiable, and the discipline imposed at school was reinforced by the discipline standard set at home. Today the schools are pluristic, bringing together in one setting a variety of economic levels and races, requiring a response different from that of 30 years ago. I also think what we found a few years ago, where parents reinforced discipline imposed in school, no longer exists. In fact, I think schools today mirror the lack of sustained discipline in the home and that it really is not reasonable to expect the school administrator or teacher to impose a level of conduct on the student that is substantially different from that at home. In fact, it has been my observation that when the child is brought into a more supervised and structured setting than he experiences at his home, he will modify his conduct for a certain period of time; but when the supervision is removed, he reverts back to the type of conduct he engages in during the large majority of his time when he is not in school.

Senator BAYH. Isn't that a problem for parents?

Mr. PHAY. Part of it is, Senator. I think we find society today is different from what it was a few years ago. Part of the difference is the product of more permissiveness in the home and other institutions in our society; more tolerance with respect to behavior by students. Consequently, the public is expecting an unrealistic response by the school, when it demands that schools discipline children in the way schools did 30 years ago.

I also think, to restate the point, that it is incorrect to conclude as I think some have from your preliminary report, that the amount of crime found in the schools is located only in the schools.

Senator BAYH. We specifically pointed that out in our preliminary report. Our study of these problems in schools and the proposed legislation I introduced on this subject is only one component of an overall effort that we have been conducting over the last several years. In 1974 we succeeded in enacting the Juvenile Justice Act which will help reform the juvenile justice system so that we can stop turning a 14-year-old truant into a 20-year-old felon. Now, that 20-year-old is a product of a home situation, a community situation, and a school situation and we have to develop the most comprehensive approach possible to deal with these problems; or, we will continue to witness shocking increases in crime rates.

Mr. PHAY. I agree with your statement. But I think it was unfortunate that most of the news reports and some of the responses to the subcommittee's preliminary report was that crime committed by students is primarily committed in and is the fault of the schools. The fact that you bring a large population of those who commit crimes into the school, results in a large amount of malicious vandalism and violent activity in the schools. And when one considers the possible actions to reduce student crime in the school, it is critically important that we do several things. I would suggest that reduction in class size is important. I also think it is important to employ a faculty that reflects the racial and ethnic background of the student body. This point was reinforced for me last night as I looked at the TV reporting of the New York teacher's strike. It showed a white middle-class faculty teaching a predominantly black constituency. It is not surprising that there is tension in these schools.

SUPERVISION AND SIZE OF SCHOOLS

I also think we need to increase supervision, particularly when students are outside the classroom. We also need to train personnel—and Mrs. Edelman has already spoken to this—in techniques of dealing with student conduct problems. In addition we need to replace school structures. Some of the school buildings today are pre-World War II structures, constructed with long narrow corridors and fixed teaching space that makes very little sense today, in a student body that no longer is homogenous. These buildings worked a few years ago when we had similar type of students in the schoolhouse. With a mix of racial-economic backgrounds today, students need more elbowroom.

Size also has something to do with the problem. The urban schools with 3,000 and 4,000 students are programed for misconduct. I think you need a maximum of 1,200 in a senior high school and around 900 in a junior or middle school. Once you get beyond this size and 60 or 70 staff members, the school develops a second tier of administrators. Consequently, the principal loses contact with the students. I think it is critically important for the student not to feel a sense of powerlessness, an issue Mr. Levine has spoken to, but instead feel that the school is particularly concerned about the student and his needs and sees him as an individual. That sense of belonging is usually lost in the very large populated school.

Another need, already raised in earlier comments, is for good principals. I completely concur with Mrs. Edelman, that a sensitive principal can turn a school around. If you would like a name—you asked for some earlier—I would recommend Mr. Bill Strickland, who in 3 years in one public school reduced suspension from 50 to 5 in a 3-year period. He has done a magnificient job. One of the problems, however, he just left and took the position as associate dean of men at the University of North Carolina. He is a person very sensitive to the needs of public schools, and can speak to the way in which schools can be structured to reduce the amount of misconduct.

Before I comment on the need for written conduct codes, I would like to note that in my judgment removing a student from school for a long period is a generally poor disciplinary tool. But I would like to say, as a caveat to my earlier comments, that suspension is often the only effective way I have seen, to both communicate to the student that his conduct was unacceptable, and emphasize to his parents that they need and must accept a greater responsibility in helping that student to meet school standards of acceptable conduct.

I think school suspensions have been greatly misused, but I do think that they are an important device that, although seldom used, should be available.

STUDENT CONDUCT CODES

Now addressing myself to the question of student conduct codes, the question I think you would properly pose to me is: What do you mean by student conduct code? I would respond by saying that there are basically three parts.

The first part deals with what Mr. Levine has spoken to, a statement of the basic constitutional rights of students. To quote Justice Fortas' statement in the *Tinker* decision, the schools are not a place where controversy can be eliminated.

The second part of a student code needs to specify the categories of misconduct to which disciplinary action is appropriate. The school needs a particularized listing of misconduct serious enough to warrant exclusion or long-time suspension. The school might also consider a lesser misconduct code dealing with such issues as truancy, plagerizing, hazing, and smoking. This school building code should be developed with the help of students and teachers.

It is necessary to set out the basic ground rules of the school. Giving fair notice to those who are in the school of the conduct that may result in discipline is important not only for the students but also for the teachers and administrators.

The third part of a student conduct code is a procedure for dealing with alleged violations of the conduct section. I think this procedure should be one that produces a reliable establishment of the fact and insures the due process rights of the student. It also should minimize the adversary nature of the proceedings.

I think the procedure should be one that attempts to deal with the problems of the child whose conduct is found to be unacceptable. The school should seek ways to get the student to correct or modify his behavior since the school often represents the last opportunity to do something for the child. The school may have the last chance of finding a way of making a productive citizen out of that child.

REASONS FOR A WRITTEN STUDENT CODE

Now, the reasons for the written code, I would suggest, are at least five. One, courts require certain procedural observances before suspension or explusion is imposed. You have heard some discussion of *Goss* v. *Lopez.* There also is considerable case law dealing with the procedural requirements of expulsion. These requirements need to be clearly set out. If the schools involved in *Wood* v. *Stickland* and *Gross* v. *Lopez* had had good written conduct codes these cases would not have been litigated.

A second reason for a written student conduct code—it is not just a disciplinary code—is to give clarity to State statutes on suspension and expulsion. If you look at the typical State statute, a child can be expelled for disreputable conduct or for being a menace to the school. Probably no issue has been more litigated than the lack of specificity in school expulsion rules. They need to clearly state the type of conduct if engaged in by the student may result in the student's removal.

A third reason I would suggest for developing written conduct codes, is the opportunity it provides to involve students in developing the code. This is an important way to communicate to students that their support and assistance is needed to make school a worthwhile experience. Students need to know that they are the primary beneficiary of an orderly school operation and the primary loser when school is not orderly. They must understand that they have a major responsibility to contribute to the orderly operation.

Senator BAYH. Excuse me. That subject is one that is very close to my heart. We have had some preliminary evidence of success where students were involved in not only structuring a code but also in the rudimentary administration and enforcement thereof. If you have any specific examples to cite by showing how students became involved in the process, they would be particularly appreciated.

Mr. PHAY. There are several schools that have had success in gaining student support for orderly school operations by involving students in the writing of student conduct codes. One of the best examples is the Chapel Hill high school where a sensitive principal gained student respect and turned a school with a high level of student misconduct into one where good teaching and an orderly operation have been restored.

WRITTEN CODE—A GUIDE TO SCHOOL EMPLOYEES

A fourth reason for a written conduct code is that it helps all school employees—teachers, principals, and staff—to clearly understand the ground rules of school discipline. Clear regulations will serve as a guide to school employees in difficult situations. It also is important that the code make clear that the teacher is expected to make every effort to handle personally the usual problems of maintaining discipline before involving the principal. It is bad for the teachers to refer up to the principal all problems of school discipline. One important responsibility the teacher has is to deal sensitively with problems of misconduct. Each school also needs to develop written procedures to show what follow-up is done by the principal when the teacher has referred the problem to the principal. Sometimes teachers feel like they have been left hanging on a limb and don't know what happened to the recommendations they made.

I think the code also should define the procedures and limits on corporal punishment and searches of students. I think this is important to help reduce the possibility of civil liability for assault and for invasion of privacy. You will find citations in my written comments to decisions in which personal liability has been assessed against teachers. In each instance, it probably would not have occurred if there had been written procedures on proper administration of corporal punishment and search of the student. And, of course, there is a section 1983 liability potential for violation of a student's civil rights. I think the likelihood of this liability would be reduced if written codes were developed.

A fifth reason I would suggest for a written student conduct code is to protect the student against a violation of his constitutional rights and a reversal of the school's action by a court. As I noted earlier, the *Wood* v. *Strickland* reversal of the school board by the U.S. Supreme Court—expulsion for spiking punch—would not have occurred if the school had good written procedures on student expulsion.

Permit me now to comment very briefly on the procedure for developing a code——

Senator BAYH. Mr. Phay, I didn't want to interrupt you as I wanted you to finish your statement in my presence. However, I have a priority meeting with another subcommittee that I am also chairman of, and something has come up to which I must direct my attention.

I will ask Mr. Rector our chief counsel, here, to proceed. I know he and Mr. Faley have some areas that they would like to explore with you. We appreciate your comprehensive statement, as well as your condensed statements, and the approach that we have heard. We, at least, have a common denominator, it being a most important building block; and we have come closer to the problem of parents, teachers, and students in the United States.

Now, I'm awfuly sorry, I have to leave.

Mr. PHAY. I understand.

Senator BAYH. The record can show this is just a continuation out of my presence.

Mr. PHAY. I apologize for being so long.

Senator BAYH. No; this is the kind of dialog I prefer. I'd like to spend all afternoon. Unfortunately the frustrating thing is that we have so much competition for our time. And it is equally unfortunate that some times it is impossible to know what is going to descend upon us 15 minutes from now. Thank you all very much.

Mr. PHAY. Thank you.

Mr. LEVINE. Mr. Rector, would you excuse me, I have a 1 o'clock train back to the city.

Mr. RECTOR. We appreciate your contribution and hope to be in contact with you about the bill of rights for children, and the issues such as corporal punishment and some of the other areas that we have only touched on this morning.

Mr. LEVINE. I am looking forward to that, and thank you for letting me appear here.

Mr. RECTOR. Mr. Phay, please proceed.

Mr. PHAY. I was about to suggest a procedure for developing such a code. I already have noted that I do not think it should be written by school administrators and board members. A committee should be set up, composed of students, parents, teachers and administrators. They should invite any comments and suggestions from the community. They should then submit to the school board a draft of the code. Then the board of education should publicize and invite comment on in an open hearing. Once the board has adopted it, the code should be widely publicized with a copy sent to the parents and students. It also is important to review the code periodically.

In conclusion, I would say that when these things have been done, the board of education should have clear rules on student misconduct and orderly and precise procedures of handling it. These rules and procedures will go far in assuring that the student is treated fairly, in minimizing the likelihood of disruption to the educational process from student misconduct, and in complying with the constitutional requirements of due process.

Thank you.

PREPARED STATEMENT OF ROBERT E. PHAY

WRITTEN STUDENT CONDUCT CODES: AN ESSENTIAL INGREDIENT IN REDUCING AND CONTROLLING STUDENT MISCONDUCT

One of the most difficult and persistent problems facing school boards, school administrators, and teachers is how to deal with student conduct that is considered unacceptable in the school. Student protest and serious misconduct are frequent in the public schools. A survey of the Nation's 29,000 public and nonpublic high schools by the House Subcommittee on General Education in 1969 reported that 18 percent of them had had a serious student protest.[1] Serious protest was defined as student activity involving such acts as strikes, boycotts, sit-ins, or riots.

This percentage did not decline in the years that immediately followed, nor did the violence, which increased at an alarming rate. In April 1975, the Senate Judiciary Subcommittee To Investigate Juvenile Delinquency reported that between 1970 and 1973, homicides in the schools increased by 18.5 percent; rapes and attempted rapes by 40.1 percent; robberies by 36.7 percent; assaults on students by 85.3 percent; assaults on teachers by 77.4 percent; and drug and alcohol offenses by 37.5 percent. The subcommittee's preliminary report, *Our Nation's Schools—A Report Card: "A" in School Violence and Vandalism*, states: "Simply put, the trend in school violence over the last decade in America has been, and continues to be, alarmingly and dramatically upwards." The subcommittee's chairman, Senator Birch Bayh of Indiana, emphasizes the seriousness of the problem when he notes that "[t]he ledger of violence confronting our schools reads like a casualty list from a war zone or a vice squad annual report." Not only the human cost, but also the property cost is high. The report states that the $500 million cost in vandalism "equals the total amount expended on textbooks throughout the country in 1972."

The concern generated by increased violence also has not declined. The Sixth Annual (1974) Gallup Poll of Public Attitudes Toward Education reported that the public considered lack of discipline in the schools to be the primary school problem (for the fifth time in 6 years), and two-thirds of those interviewed believe schools are "a breeding ground" for crime and violence. More recently (1975), the United States Supreme Court, in *Goss* v. *Lopez*,[2] noted the size of the problem: "It is common knowledge that maintaining order and reasonable decorum in school buildings and classrooms is a major educational problem, and one which has increased in recent months."

Notwithstanding these surveys and reports, it is my opinion that major crime, at least in the small and middle schools of the Southern and Border States, has declined in the last 3 to 4 years. Several school superintendents and principals have reported to me in the last year that serious crime and malicious vandalism, which almost always have been committed by a small percentage of the student body, peaked 3 to 4 years ago and have been declining since that time. (A similar decline has been reported for less serious types of misconduct.) One Mississippi superintendent told me in early September that his school, which is 45 percent black, has had fewer incidents of violence than it experienced a few years ago. Several North Carolina superintendents and principals have reported the same fact. The Mississippi superintendent also reported that the tested performance level of black students, although still low, is two to three grade levels above what it was when they were tested in all-black schools only a few years ago. The tested performance of the white students had remained at approximately where it had been. North Carolina administrators report similar results.[3]

I do not mean to suggest, however, that school misconduct is not a serious problem. It clearly is. It is important, however, that the Congress and State legislatures not over-react, as some parents and schools have done. For example, the response I have witnessed in several school districts of automatic suspension and expulsion for relatively minor misconduct, particularly when the child is a difficult child, only serves to shift the problem from the school to the community at large. The removal from school almost always results in increased misbehavior, not a reduction of it. The misconduct is only at a different place.

I. CAUSES OF STUDENT UNREST

This statement will not extensively analyze the causes of student unrest, but some understanding and appreciation of why students rebel and protest are essential to a constructive approach to the problem.

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[1] The National Association of Secondary School Principals also reported in 1969 that 59 percent of 1,000 high schools studied had experienced some kind of student protest or activism.

[2] 419 U.S. 565 (1975).

[3] A North Carolina principal reported to me that the tested performance of students in his senior high school of 1,200 (30 percent of whom were black) increased for both black and white students. The additional programs added to enable black students to catch-up were successful in improving test scores of black students, but they also resulted in improved test scores of white students. Consequently, the gap between the black and white students did not decrease.

The causes of unrest in high schools are many. Dissent has focused on a wide variety of concerns that differ from school to school. A New Jersey school board report listed 37 issues that have resulted in protest, ranging from those over which the school has little or no control—such as the events in Southeast Asia, the CIA, and the recession—to those that are basically school matters—such as dress and hair regulations, smoking rules, and curriculum.[4] A 1969 report by the United States Office of Education listed the following major issues with which students are typically concerned: (1) dehumanization of institutional life; (2) inequities in society; (3) educational irrelevancies; and (4) racial and cultural discrimination.[5] These concerns have produced a discontent that a single spark can ignite. Incidents that have furnished such a spark were found to fall into five general categories: (1) racial conflicts, (2) political protests, (3) resentment of dress regulations, (4) objections to disciplinary actions, and (5) educational policy issues. These issues continue to be the primary ones that concern students today, and these reports indicate that some delinquency is created by the school. Greater restrictions, particularly when they are viewed as unfair, often produce greater student reaction, and when the stress level is raised in the school, so is the misconduct.

The causes of school unrest listed above are only a reflection of the concerns in society at large; the increase of crime in schools merely mirrors the increase in crime everywhere.[6] The problem, however, is that parents want schools to be as they remember them 30 years ago, when schools indeed were more disciplined and structured and had an authority that no longer exists. For schools to impose the discipline they once did, however, simply is not possible. One reason is that they no longer have the degree of legal authority they once had. The almost total *in loco parentis* role the school enjoyed in years gone by, when it had almost the same authority over the pupil while he was at school as the parent had over him at home, is gone.[7] Over time, the *in loco parentis* doctrine was substantially modified, particularly as applied to secondary school pupils, and the courts became more willing to examine school actions and to overturn those found arbitrary or unreasonable. Another reason why the discipline and structure found in schools thirty years ago is not possible today is that the former level of discipline is not today found or imposed in the home and in other places of our society. The discipline in the public schools of 30 years ago—schools which were basically white and middle class or black or ethnically identifiable—was reinforced by the discipline standard set at home. Consequently, schools, which had a homogenous student body mirrored home standards. In many respects, schools do that today, but they now are pluristic, containing all classes and races of people. Thus it seems to me that students today cannot be expected to modify their behavior in school substantially, at least not for long periods of time, when the restraints placed on the student in school are not found outside the school. The student who has substantially modified his behavior to acceptable school standards when he enters the school door will revert to his usual behavior when he finds himself unsupervised.

I also note that most of the incidents of unrest in high schools occur suddenly and spontaneously and are touched off, for example, by the election of cheerleaders all of one race, the search of a student, or a fight between two students. The spontaneous nature of the high school disruption makes responsible action more difficult for the teacher, principal, superintendent, and school board because they must react immediately to keep the incident from reaching crisis proportions. Such situations require delicate judgment. The best way of reducing these incidents and increasing judicious response to such incidents is to reduce class size, employ a faculty that reflects the racial and ethnic background of the student body, reduce or replace school structures housing more than 1,200 high school students or more than 900 junior high school students, increase supervision, and educate school personnel in the techniques of properly dealing with these problems. These recommendations require more people and more money.

Two of these recommendations—reduction in school populations and increased supervision—deserve special comment. When high school buildings house more than 1,000 or 1,200 adolescents, they become too large to deal with the student as a person.[9] The same is true for middle schools housing more than 900 students. In my opinion, it is absolutely essential for an orderly school program that the school's administrators maintain close contact with the staff and the students. When student bodies exceed 1,000 and the staff exceeds 60 to 70 people, they are too big. When these limits are exceeded, a second level of administrators is created and students—and to some extent staff—develop a sense of powerlessness. Students lose their identity as a special person in whom the school is particularly interested and concerned and the result is an increase in antisocial behavior. Thus, in my judgment, the larger urban schools of 3,000 to 4,000 students are programmed for high levels of serious student misconduct and little can be done to avert trouble.

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[4] New Jersey Federation of District Boards of Education, *Student Activism and Involvement in the Education Program* (1970).

[5] U.S. Office of Education, *Report of Subcommittee on Easing Tensions in Education* (1969).

[6] *See* "The Crime Wave," *Time*, Vol. 105 (June 30, 1975), 10–24.

[7] For a historical discussion of the *in loco parentis* doctrine, *see* S. Goldstein, *The Scope and Sources of School Board Authority to Regulate Student Conduct and Status: A Nonconstitutional Analysis*, 117 U. Pa. L.Rev. 373, 377–84 (1969).

Increased student supervision, particularly supervision outside the classroom, is an important ingredient in reducing student misconduct. When classes empty into the halls or onto the school grounds, teachers or someone else should be present to supervise. Even if teachers merely step into the halls at the end of instruction periods, unacceptable student conduct is reduced. Unfortunately, however, one recent result of negotiated teacher contracts has been a reduction of out-of-class supervision by teachers. Some teachers' unions have been successful in eliminating any teacher responsibility for supervision except in the classroom. If teachers do not supervise before and after school and in the halls and lunchrooms, then the school must employ someone else to do it.

II. SUSPENSION AND EXPULSION AS A DISCIPLINARY TOOL

Whatever the cause or precipitating act, the disruptive conduct may result in suspension or expulsion of a student. Removing a student from school is a serious action by the school. (It can, however, be used in a nonpunitive context, e.g., to reduce tensions or to provide more time to deal with a problem than is immediately available.) Because of its seriousness, only seldom can it be justified when the removal is long-term. One justifiable occasion is when a student's continued presence on the school grounds endangers the school's proper functioning or the safety or well-being of himself or other members of the school community. Another such occasion occurs when the removal offers the only effective way of both communicating to the student that his conduct was unacceptable and emphasizing to his parents that they must accept a greater responsibility in helping the student meet school standards of acceptable conduct, and this situation is the usual reason for imposing short-term suspensions. When either of these situations exists, the student should be removed from the school. When neither exists, other ways of dealing with the problem should be sought.

Separating a student from school is a poor method of discipline. Students who misbehave usually have academic difficulties, and removing them from school almost inevitably adds to these problems. Frequently, suspension or expulsion is precisely what a delinquent student wants. Also, as the school breaks contact with a student and loses its opportunity to work with him to eliminate his antisocial behavior, he may continue his misconduct in a way more dangerous to himself and others than the behavior for which he was expelled.

Thus expulsion in my judgment should be avoided if possible. This does not means, however, that a distruptive child should be retained in the classroom, or that improper conduct should be ignored. When the classroom is not the place for a problem child, other provisions should be made for him if possible. For example, he might be put into a special group where closer supervision and greater individual attention are available, a device commonly referred to as in-school suspension. Concerned and caring adults and appropriate community facilities like family service agencies, mental health clinics, or the public health service might be asked to work with the problem student. Please note, however, that most of these alternatives to removing the student are expensive.

I also note that some children disrupt classes because they feel alienated or inadequate. For these children, the school should try to offer learning in a way that builds self-confidence rather than destroys self-respect. Classroom instruction should have meaning and relevance to the child's situation. If it does, an important preventive action has been taken that should reduce the need to use suspension and expulsion as a disciplinary device. A discussion of the types of changes that a school can make to deal with these problems, such as adjustments in the curriculum is beyond the scope of this statement. Most of these changes also cost money.

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[9] It also should be noted that many of the secondary school buildings used today were built before World War II. They were designed when concepts for managing students were different than they are today. Typically, these buildings have narrow, long corridors, and fixed class space. Although this design was adequate for that time, it isn't adequate for today's pluristic student body, which needs more elbow room and a different type of facility.

III. STUDENT CONDUCT CODES

There are several preventive measures that the school can take to reduce serious misconduct. One is the development and adoption of a written school board conduct code. The code should consist of three basic parts. The first part should set forth a student's basic constitutional rights in the school, such as the right to speak and express his opinions, even if the opinion are unpopular.

The second part should list the categories of misconduct to which disciplinary action is appropriate. I recommend a code that is much more specific than the typical state statute. The typical school expulsion statute will authorize the school to suspend or expel a pupil who willfully violates the rules of the school, is guilty of immoral or disreputable conduct, or is a menace to the school. I recommend that the school board develop a particularized listing of misconduct deemed serious enough to warrant expulsion or long-term suspension. The types of serious school misconduct that I think should be included in this code are set out in the appendix and fall well within the broad powers granted in the typical state statute. However, they eliminate as grounds per se for expulsion or long-term suspension such vague concepts as immoral or disreputable conduct. This section of the code should specifically prohibit such misconduct as intentional disruption of school processes, possession of dangerous weapons, intentional destruction of property, and willful assault on students or school employees. But the code should not recite the crimal code. The criminal law should be viewed as operating separately, though sometimes concurrently, with school discipline. I see no need, for example, specifically to prohibit arson or burglary. A school rule is not required to remove a student for this type of criminal behavior, and furthermore these criminal acts are forbidden by the school rules prohibiting damage or destruction of school or private property.

It should be noted that the misconduct rules set out in the appendix omit several types of student behavior that often are the basis for student expulsion. Long hair on males, which cannot be prohibited in five of the country's ten federal courts of appeals, and possession or distribution of "obscene" materials are not included in the list. Adequate rules to interdict either activity are extremely difficult to write and, if written, often will stimulate the very conduct they seek to prevent.

Consideration also should be given to enumerating the types of conduct that, if engaged in, would result in less severe punishment than suspension or expulsion. For example, a code section on lesser offenses might prohibit such conduct as intentional damage of property, plagerizing, hazing, truancy, fights, and failure to comply with directions of teachers and principals.[9] This minor misconduct code need not be adopted by the board of education unless state statutes require it to be board approved. There often is merit in permitting the students, teachers, and administrators of each secondary school to develop its own minor misconduct code and tailor it to the school's needs, although different policies for different high schools on such matters as truancy or smoking can create problems. If this code is developed at the school-house level, it should be reviewed every three or four years.

The third part of the code is a procedure for dealing with violations of the code's conduct section. These procedures should be ones that produce a reliable establishment of the facts and insure the procedural due process rights of the student while minimizing the adversary nature of the proceeding. When the school seeks to suspend or expel a student, the question usually is not whether the student engaged in the misconduct but the penalty to be applied. Thus a hearing on whether the student is guilty of the misconduct is often neither demanded nor constitutionally necessary. When, however, the student challenges the school's right to discipline—such as when he has distributed a newspaper that the school says is obscene or denies the school's allegation that he is guilty of misconduct—then a procedure that meets constitutional requirements must be followed. For short-term suspensions (10 days or less), the constitutionally required procedure mandated by the Supreme Court earlier this year in *Goss* v. *Lopez*[10] is notice of the charges and, if the student denies them, an explanation of the evidence against him and an opportunity to tell his side of the story. For expulsion, minimum standards are generally thought to include (1) adequate notice to the student of the charges against him and the nature of the evidence to support those charges, (2) a hearing, and (3) a disciplinary decision that is supported by the evidence.

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[9] These types of behavior may result in the major penalty of expulsion. See the recommended provisions on serious student misconduct in the Appendix, which provide that repeated failure to comply with teacher directions, substantial damage to property, or intentional physical abuse of a student or school employee may result in expulsion.

IV. REASONS FOR A WRITTEN CODE

Written school board regulations on student conduct that constitutes serious misbehavior and written procedures for handling violations of those regulations have long been advisable at the junior high and senior school levels. But they are now becoming a necessity as courts require specificity in rules and certain procedural observances before a suspension or expulsion is imposed.[11] The particularized code is necessary to save vague statutory language from being misused and to keep school actions taken pursuant to it from being declared invalid on the basis that the statute grants undue discretion and is unconstitutionally vague.

Another reason for these codes, both board adopted district codes and individual school building codes, is the opportunity to involve students and teachers in developing the code. The involvement of students will help communicate to them that their support and assistance is needed to make school a worthwhile experience. If students help develop these school codes, they will see better that they are the primary beneficiary of an orderly school operation and that they, as members of the school community, have a responsibility and interest in promoting a good learning environment.

The adoption of a written student conduct code also will help teachers, principals, and other school employees clearly understand the ground rules of school discipline. Clear regulations and procedures will serve as a guide to school employees in troublesome situations. The teacher, no less than the student, needs to know the types of student conduct prohibited, the types of conduct that usually will result in expulsion, and the types of conduct that are to be punished or curbed by the teacher's discipline. With respect to teacher discipline, I think it is important for the code to make clear that the teacher is expected to make every effort to handle personally the usual problems of maintaining classroom discipline before involving the principal. It also is essential that the individual school develop written procedures for handling teacher referrals of misbehaving students. Such procedures should require adequate records and provide for promptly notifying the teacher of the principal's action on the misconduct.

Written codes also will help teachers if they define the procedures and limitations on the use of corporal punishment and the search of a student or his locker. The teacher needs to know the limits on corporal punishment and the search of a student, because improperly administered corporal punishment[12] or an illegal search[13] may result in a civil suit against the teacher for assault or invasion of privacy. Furthermore, if he violates the student's "rights, privileges or immunities secured by the constitution and laws," the teacher may be sued and found to be personally liable under Section 1983 of the federal Civil Rights Act of 1871.[14]

Still another reason for a written code is to protect the student against a violation of his constitutional rights and to avoid a reversal of the school's action if a court later finds the school impermissibly suspended[15] or expelled the student.[16] Another danger is that without written codes, students may be left unaware of their due process safeguards and less likely to assert their rights, particularly if the punishment is not too offensive, or the right sacrificed seems relatively unimportant. A written code that is updated with the latest court decisions provides an invaluable tool in operating a constitutionally sound and fair disciplinary procedure.

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[10] 419 U.S. 565 (1975).

[11] A monograph to be published later this fall by NOLPE (National Organization on Legal Problems in Education) and the ERIC Clearinghouse on Educational Administration examines the legal aspects of student suspensions and expulsions. A copy may be obtained from NOLPE, 825 Western Blvd., Topeka, Kans. 66606.

[12] *See, e.g., Harris* v. *Galilley*, 125 Pa. Super. 505, 189 A. 779 (1937).

[13] *See, e.g., Phillip* v. *Johns*, 12 Tenn. App. 354 (Ct. App. 1930); and *Potts* v. *Wright*, 357 F. Supp. 215 (E.D. Pa. 1973).

[14] 42 U.S.C. 1983.

[15] *See, e.g., Goss* v. *Lopez*, 419 U.S. 565 (1975).

[16] *Wood* v. *Strickland*, 420 U.S. 565 (1975).

V. PROCEDURE FOR DEVELOPING A STUDENT CODE

Although the adoption of a student conduct code is a responsibility of the local board of education, I recommend that the code not be written by the school administrators and board alone. I suggest that the school board establish a committee from the various constituencies within the secondary school community—students, teachers, parents, and administrators—and that this committee develop the code using several of the available model codes as a guide.[17] The committee should give all interested and affected people an opportunity to come before the committee and make recommendations and suggestions. When the committee has completed a final draft of the code, which should have been carefully reviewed by someone familiar with the statutory and constitutional law of student conduct, the draft should then go to the school board for its consideration. The board should publicize the proposal and invite comment and criticism of it. After receiving this comment, the board should adopt the code with such amendments as it thinks necessary. The code then becomes the official school board policy on student conduct and should be publicized widely, with a copy given to each student and a copy mailed to all parents.

The final adoption of the student conduct code does not mean, however, that the school board is through with this issue. Student conduct codes need to be reviewed regularly by students and staff. One reason for periodic review is to make revisions required by the law, since this area of the school's operation is currently in a state of great change. The primary reason for regular review, however, is to continue to serve those objectives noted earlier of creating a better understanding among students of the need for and their role in the orderly operation of schools.

When these things have been done, a local board of education should have clear rules on student misconduct and an orderly and precise procedure for handling it. These rules and procedures will go far in assuring that the student is treated fairly, in minimizing the likelihood of disruption to the educational process from student misconduct, and in complying with the constitutional requirements of due process.

APPENDIX—RECOMMENDED SERIOUS STUDENT MISCONDUCT CODE

The following rules prohibiting serious student misconduct were taken from "Student Suspensions and Expulsions: Proposed School Board Codes" by Robert E. Phay and Jasper L. Cummings, Jr., Institute of Government: Chapel Hill N.C. (1970), pp. 16–22.

RULE 1. DISRUPTION OF SCHOOL

A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school.

Neither shall he engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful mission, process, or function of the school if such a disruption or obstruction is reasonably certain to result.

Neither shall he urge other students to engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful mission, process, or function of the school if a substantial and material disruption or obstruction is reasonably certain to result from his urging.

While this list is not intended to be exclusive, the following acts—when done for the purpose of causing a susbtantial and material disruption or obstruction of any lawful mission, process, or function of the school—illustrate the kinds of offenses encompassed here: (1) occupying any school building, school grounds, or part thereof with intent to deprive others of its use; (2) blocking the entrance or exit of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, the building or corridor or room; (3) setting fire to or substantially damaging any school building or property; (4) firing, displaying, or threatening use of firearms, explosives, or other weapons on the school premises for any unlawful purpose; (5) prevention of or attempting to prevent by physical act the convening or continued functioning of any school, class, or activity or of any lawful meeting or assembly on the school campus; (6) preventing students from attending a class or school activity; (7) except under the direct instruction of the principal, blocking normal pedestrian or vehicular traffic on a campus; and (8) continuously and intentionally making noise or acting in any manner so as to interfere seriously with the teacher's ability to conduct his class.

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[17] A collection of Model Student Codes can be found in a publication entitled *Student Codes: A Packed on Selected Codes and Related Materials* (Cambridge, Mass., Harvard Center for Law and Education, 1971).

RULE 2. DAMAGE OR DESTRUCTION OF SCHOOL PROPERTY

A student shall not intentionally cause or attempt to cause substantial damage to valuable school property or steal or attempt to steal school property of substantial value. Repeated damage or theft involving school property of small value also shall be a basis for long-term suspension or expulsion from school.

RULE 3. DAMAGE OR DESTRUCTION OF PRIVATE PROPERTY

A student shall not intentionally cause or attempt to cause substantial damage to valuable private property or steal or attempt to steal valuable private property either on the school grounds or during a school activity, function, or event off school grounds. Repeated damage or theft involving private property of small value also shall be a basis for long-term suspension or expulsion from school.

RULE 4. ASSAULT ON A SCHOOL EMPLOYEE

A student shall not intentionally cause or attempt to cause physical injury or intentionally behave in such a way as could reasonably cause physical injury to a school employee:

(1) On the school grounds during and immediately before or immediately after school hours,

(2) On the school grounds at any other time when the school is being used by a school group, or

(3) Off the school grounds at a school activity, function, or event.

Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act under this rule.

RULE 5. PHYSICAL ABUSE OF A STUDENT OR OTHER PERSON NOT EMPLOYED BY THE SCHOOL

A student shall not intentionally do serious bodily injury to any person:

(1) On the school grounds during and immediately before or immediately after school hours,

(2) On the school grounds at any other time when the school is being used by a school group, or

(3) Off the school grounds at a school activity, function, or event.

Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act under this rule.

RULE 6. WEAPONS AND DANGEROUS INSTRUMENTS

Option One—A student shall not knowingly possess, handle, or transmit any object that can reasonably be considered a weapon:

(1) On the school grounds during and immediately before or immediately after school hours,

(2) On the school grounds at any other time when the school is being used by a school group, or

(3) Off the school grounds at any school activity, function, or event.

This rule does not apply to normal school supplies like pencils or compasses but does apply to any firearm, any explosive including firecrackers, any knife other than a small penknife, and other dangerous objects of no reasonable use to the pupil at school.

Option Two—A student shall not knowingly possess, handle, or transmit a knife, razor, ice pick, explosive, loaded cane, sword cane, machete, pistol, rifle, shotgun, pellet gun, or other object that reasonably can be considered a weapon:

(1) On the school grounds during and immediately before or immediately after school hours,

(2) On the school grounds at any other time when the school is being used by a school group, or

(3) Off the school grounds at any school activity, function, or event.

This rule does not apply to normal school supplies like pencils or compasses.

RULE 7. NARCOTICS, ALCOHOLIC BEVERAGES, AND STIMULANT DRUGS

A student shall not knowingly possess use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind:

(1) On the school grounds during and immediately before or immediately after school hours,

(2) On the school grounds at any other time when the school is being used by a school group, or

(3) Off the school grounds at any school activity, function, or event.

Use of a drug authorized by a medical prescription from a registered physician shall not be considered a violation of this rule.

RULE 8. REPEATED SCHOOL VIOLATIONS

A student shall not repeatedly fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, principals or other authorized school personnel during any period of time when he is properly under the authority of school personnel.

PARENTAL INVOLVMENT—A COMMON DENOMINATOR

Mr. RECTOR. Thank you very much for your comments. I won't lengthen this hearing longer than necessary, but there are several areas that I would like to develop further.

Both you and Mrs. Kimmel have stressed throughout your presentations a common denominator, namely that parental involvement, in a very significant way, leads to reduction of whatever level of violence and vandalism happens to permeate a particular school setting.

If either of you could amplify on that theme, it would be helpful in terms of developing our record.

Mrs. KIMMEL. Are you asking for specific examples?

Mr. RECTOR. A specific example, or an elaboration of the importance of the role the parents could play; and how it would minimize some of the problems which confront the schools.

Mr. RIOUX. There is nothing magical about parental involvement. Our position underscores the point that we are really not going to get much improvement or changes in this problem unless the basic groups involved in the problem understand and talk with one another. If, for instance, the parents have been a part of some difficult but productive discussions about rules established by the school, or even had a hand in developing them, there will be far more uniformity in attitudes about enforcement of the rules; there would be far less static at home about actions taken by the school if the parent fully understood the rules. The message is quickly understood by the youngster.

I think also, we have found repeatedly that although parents do not know the jargon of the educators, they can still express concern, and they can still express ideas about school efforts that might be more helpful to children. It is the responsibility of the educators to listen to that with a skillful ear and translate. I think these are the kinds of tone-setting things that we are reaching for.

Mr. RECTOR. I think your general statement may leave the impression with some persons that you are suggesting that parents focus on the school situation by cracking the whip—a kind of oversight committee. I believe we need a clarification that you, as I understand your statement, are talking about healthy, fully informed, comprehensive input by parents into the school setting. Something that will be analogous with what Mr. Phay has suggested in regard to student input to their own codes. Thus they will have a piece of the action, understand the action, are the beneficiaries of the action, and have the responsibility for carrying it out. Is there an analogy between the input Mr. Phay was suggesting, and the kind of input and responsibility that you are seeking, with regards to the parents?

Mrs. KIMMEL. I think there is another side to that, too, and I agree with everything that he has said, that the parent has to have an understanding and inclusion in the problems.

Now, Mrs. Edelman also talked briefly to the point that often what you hear is not entirely what is happening in schools. One great asset in having parents participate in the school activities, whether they are working as aides or whether they are working as monitors, or no matter what they are doing there, is that they can give a more accurate account of what is actually going on in the school.

I think very often school board people and school administrators are very specifically, shall we say, called before the chamber of commerce board, and asked, "Now, what's going on in that high school—that is not good for our community," and this sort or thing. Well, what they have been hearing on the street are some of the things that Mrs. Edelman alluded to, and they are not necessarily school-based problems.

And yet, when the poor school superintendent or school board member is speaking to the chamber of commerce and he says to them, "How long has it been since you have been at the high school, except for an athletic match?" very few of them have been there.

I have been a school board president, and I have had people call me and say, "I would be afraid to go to the high school." I say, "How long has it been since you have been there?" They haven't been there. And I must say, it gave me great pleasure to say to them, "I walk through the school at least once a week when school is in session. I'm not afraid to be there."

PARENTAL INPUT AND OUTPUT TO COMMUNITY

I think if you have parents participate in the actual school life, they can give a more accurate account of what is going on in that school. I think that is terribly important, not only for their input into the school system, but their communication back to the community.

Now, I might say to you that as the PTA president I am getting calls from people around the country who say, "Our school principal, or superintendent, has asked if the PTA will provide monitors to work in the halls." Some of these requests are even to the extent that they are asking the PTA to furnish people to work every day, all day, as monitors in the halls as volunteers. Now, this is a big order, and sometimes they say, "Do we have to do that?" Of course I tell them, "You don't have to do anything if you don't want to, but don't turn it down until you have assessed the advantage of being given that opportunity to participate."

Now, understand, I don't think monitoring halls is the greatest value that citizens can have in the input of the school system, but if that is one way to be invited in, that is one entry into the school system.

So, these are the things that we are saying—our citizens, parents, have to be included in what's going on in the schools, if they are going to give support to what the school is trying to do.

Mr. RECTOR. A very important item that I gleaned from Mrs. Edelman's presentation was that, with all the emphasis on the nature and extent of violence and vandalism in schools, there is some concern that the community not invoke rash procedures based on a faulty view of the complexity of the problems.

APPROACHES TO QUALITY ALTERNATIVE PROGRAMS

The information Senator Bayh requested that you submit regarding alternative programs, as well as anything on the involvement of parents, from your organizations would be particularly helpful. In this regard, it is especially important to make careful assessments. We are all aware, under the aegis of labels such as "alternative programs" or "special programs" or a host of other labels, that the quality and scope of such programs runs the gamut. It is important to home in on quality programs, that we may reflect these approaches in the legislation. This would be quite helpful.

Mr. PHAY. May I comment briefly?

I understand you to be asking for specific ways in which parents can be involved. I think there are a lot of them and I would like to mention a few.

I see, in an active PTA, parents coming in and tutoring students, providing specialized instruction for children that need it on both ends of the learning spectrum, and serving as teacher aides. I saw a PTA mobilize public opinion to support putting in sidewalks for a new school. I also have seen PTA's provide parents to increase the level of supervision.

With respect to supervision it should be noted that one result of collective bargaining contracts between teachers and school boards is a provision eliminating the teacher's responsibility for student supervision except in the classroom. If teachers are not going to provide the supervision, someone else must do it.

If teachers just step outside the classroom when classes are over, which is a time of increased misconduct because the students are not under direct supervision, misconduct cannot be greatly reduced. Thus, if teachers are not going to provide this supervision—and it can't be done by the principal and central office staff alone—then the parents can help, although I think it is fundamentally wrong to depend on the citizenry to monitor the halls.

Another supervisory role for parents that I have seen work very effectively, is to patrol busy streets when the city police do not have adequate personnel to perform this duty. In one school I know, the PTA set up a schedule which posted a parent at every crosswalk to the school. There was only one policeman for the entire elementary school, but the PTA and the community came in and helped children cross busy streets to school.

But I suppose the key to parent involvement in the schools is the imagination and openness of the board of education and the principal. If the principal is not seeking ways to involve the parents of the children in his school, they usually are not going to get involved. Too often we find the principal setting a tone for the school that says he really doesn't want anybody meddling in the school business. This attitude will kill off parental involvement.

Mr. RECTOR. A related concern relative to your comments about the codes—and I haven't studied all the code material you submitted in detail—regards the conduct of nonstudents, or nonenrolled students recently suspended. Is the student code, in any way, a vehicle for addressing problems that are generated by the presence of these youngsters in the school setting?

Mr. PHAY. Well, the primary jurisdiction of the school is to deal with those people in its charge. I think its response, with respect to nonstudents and people who do not have a need to be in that school, should be to notify the police and let the criminal process deal with their criminal behavior.

Another issue, which would take considerable time to develop, is the problem of the school trying to do too much to solve all the problems the child presents or creates. We have a criminal code that operates here, and I think it should be viewed separately from the written code. I don't think, for example, that the student conduct code should recite the felonies of the criminal statutes.

But, if a nonstudent improperly comes into the school and is involved in misconduct—and there are a lot of hypotheticals we could pose here, such as he might be a student from another school—there will be circumstances when good judgment will counsel to not swear out a warrant for trespass or assault. But I emphasize that there is a danger for the school by always trying to act as a policeman. When schools are dealing with felonies committed by either students or nonstudents, the problem should be viewed as primarily a police problem.

Now, I could cite example where I would not suggest automatic response for the assistance of the police, but by and large the criminal process is there to deal with this conduct, and it ought to be looked upon as the primary way for the school to respond.

DISTINCTIONS BETWEEN STUDENTS AND NONSTUDENTS

Mr. RECTOR. I think that is a very important distinction relative to the role of the student code and to the responsibility of school administrators. I believe this reemphasizes the earlier thinking we were pursuing about the part of the enrolled student and that of the recently suspended student—including the basis for suspension and the actions toward nonstudents.

They are two separate entities, and it is very important to make this distinction. Thus, as we pursue these hearings, and whatever legislation we do finalize, this distinction of the two groups will be clearly defined.

We appreciate your assistance in this area.

In closing, we would be interested, for the record, in a reiteration of the *Goss* criteria as it applies to suspension. Also, in your assessment as to whether—in any way, shape, or form—you think the *Goss* decision will impede school officials from propertly addressing disciplinary problems.

Mr. PHAY. Well, let me first say that I think *Goss* is a good decision; and, as the majority opinion indicates, the minimum requirements it has now imposed are, if anything, less than a fair-minded school principal would impose on himself in order to avoid unfair suspensions. Good administrators were already doing the things that the *Goss* decision now requires.

You ask if the opinion will impede school operations. I think the answer to that is implicit in what I just said. The type of communications between the administrator and a child he is about to suspend—an opportunity for the student to tell his side of the story—is just basic fairplay. I strongly disagree with the minority opinion—as you know, *Goss* was a 5-to-4 decision. Justice Powell, who wrote the dissent, listed a number of situations that might be included in the requirement imposed on the school with respect to suspension, such as moving the child from one track to another, transferring a student to a special school, or even such discretionary decisions as grading a student's work.

I think he misses the point. I think the type of communication the Court requires for suspension is necessary in the situations listed by Justice Powell if the school is to be fair. In each of the illustrations he cites as the far-reaching possibilities of the case, I think a conversation between the student and the school official, including a student's grade, should occur. I can't imagine a good teacher not being willing to sit down and discuss with a student why a grade was given. I might say, in my teaching of some 10 years, I have had six or seven students come in and challenge my evaluation of their performance; and I have found myself, in a few cases, to have been wrong. It seems to me the school must be expected to do that if it wants the support of the students and their parents.

GOSS DECISION CODIFIES EXISTING PRACTICE

So, I think the decision was good. It does not disrupt the ways in which suspension has been used as a proper tool in school discipline. In those school systems that have not been giving the student an opportunity to tell his side before a suspension is invoked, they should have been so doing as a matter of good policy. This decision basically codifies the existing practice.

I disagree, however, with testimony given earlier by Mrs. Edelman and Mr. Levine when they said we need far more procedure than what the Supreme Court required in *Goss*. In a few instances, more procedure is required; but the Court recognized these exceptions. It said there will be tough cases in which the school will need to go to a more formal hearing, even on short-term suspension.

I also note that suspensions should be limited to short removals from school. When suspensions exceed a day or two, there is a problem. To me a 2-week suspension is a long removal from school. If you examine the situation requiring suspension, a suspension of 1 or 2 days serves the objective better than a 10-day suspension. When you are talking about a 10-day suspension, the principal should be considering an expulsion.

In conclusion, let me summarize the holding of *Goss* v. *Lopez.* When the school plans to suspend a student, the school disciplinarian is required to state the charges against the student. If the student denies the charges, he must be given an explanation of the evidence upon which the charges are based; and then an opportunity to explain his side of the story—his side of the case—before he is removed.

I think that these requirements are fair and necessary and do not disrupt the school.

Mr. RECTOR. Your comments are well taken. We have been pursuing these issues, as well as your thoughts for the development of a bill of rights for students.

In developing standards for legislation, we have taken a perspective not solely limited to students. We have been looking very carefully at the concept of a bill of rights for children. A particular manifestation of the rights of children would be the rights of students. In fact we have been working, since 1973, with people such as Shirley Camper Soman who, in her book "Let's Stop Destroying Our Children," proposed a bill of rights for children.

Mrs. KIMMEL. Could I make a point to that for just a minute?

Mr. RECTOR. Certainly.

Mrs. KIMMEL. In a conference that we had in Chicago this summer on dealing with absenteeism in school, suspension, and so forth, without going into details, in seeking exemplary cases of in-school suspension, we got some feedback from some school people, that they felt they were suspect to problems when they separated kids into suspension classes, or even, in the early grades, into tracks. I didn't, in my early testimony, indicate that I felt most children should be removed from the special classroom, but given special attention, this sort of thing. But they said that in some cases it was felt this was a violation of civil rights, a separation of the student.

Now, as a result of the complexity of this problem, we had a presentation to this group by the Honorable Don Young—who by the way was the judge on the recent *Kent State* case—and he presented to us written documents and made a presentation on these issues, of the rule of separating children, and whether you could move them from one track to another. I would be glad to share this with you for your records.

Mr. RECTOR. That would be particularly helpful.

Mrs. KIMMEL. I think he is considered somewhat of an expert in this field, so, it might be useful to you.

Mr. RECTOR. Mr. Rioux, do you have any further comments?

Mr. RIOUX. No; none except to say that the National Committee was a friend of the court on *Goss* v. *Lopez*, therefore our position on due process for students is obvious. We think for all the problems there may be in implementing *Goss* v. *Lopez*, it is a very positive step in behalf of children.

Mr. RECTOR. Well, we thank all of you for your contribution and look forward to your continued contribution. I apologize for the Senator's absence.

This hearing is adjourned, subject to the call of the Chair.

[Whereupon, at 1:05 p.m., the subcommittee adjourned, subject to the call of the Chair.]

APPENDIX

Additional statements and material supplied for the record

PART 1—NEWSPAPER AND MAGAZINE ARTICLES

[From the Philadelphia Bulletin, Feb. 1, 1975]

ANSWERS TO SCHOOL VIOLENCE

One indication of the extent to which violence plagues Philadelphia's public schools is the fact that it is accepted as the status quo.

Parents move out of the city to avoid exposing their children to it. Teachers work under its threat and 165 reported they were assaulted by pupils last year. But the prime victim remains the pupils themselves. Last year they reported 253 assaults by other pupils and most estimates place actual assaults at double that number.

While its roots are as complex as urban crime itself, the problem of violence in the schools does compromise several distinct facets. And several solutions have been proposed which do not require exorbitant increases in staff and appear feasible.

The first major problem confronting pupils is simply getting to and from school. In large high schools like Edison where they must cross turfs of warring gangs, (the pupils' fear of attack contributes to a drop-out rate exceeding 30 percent). At Bok Vocational-Technical School 16-year-old James Kennedy was stabbed to death last fall only a block from the school.

One solution is to bus pupils across the rival turfs. Bok olready provides this service with good results. Unfortunately, young Kennedy did not take the bus the day he was killed. School Superintendent Matthew W. Costanzo has proposed busing pupils to and from Central and Girls High Schools to protect them from the hazards of the Broad Street Subway and boost their declining enrollments. Other schools would also profit from such busing.

Another solution to crossing separate gang turfs is the safe corridor plan proposed by Mr. Costanzo three years ago. It calls for organizing volunteers to police selected pupil routes to and from school. Among its advantages are the probability of obtaining a federal grant to fund it and the parental and community involvement it would foster.

Two schools already experimented successfully with the plan shortly after Mr. Costanzo suggested it. However, after it was unveiled, Mayor Rizzo ordered it abandoned because he felt it would have diminished the Police Department's authority. The safe corridors have now been resurrected by the school principals. The idea deserves to be more fully tested.

Finally, pupils and outsiders who threaten and assault teachers must be prosecuted. Teachers must be encouraged to report all serious incidents. Any principals who discourage such reporting for any reason should be identified to the superintendent. Those teachers, and pupils, who have the courage to bring criminal complaints against their attackers deserve all the professional and legal support at the school district's disposal.

[From the Network, Oct. 15, 1975]

BAYH ON VIOLENCE: 'NO FEDERAL SOLUTION'

(By Hon. Birch Bayh)

For several months now the Senate Subcommittee to Investigate Juvenile Delinquency, of which I am Chairman, has been conducting an investigation into the extent of and possible cures for, violence and vandalism in our school systems.

In April of this year our Subcommittee completed a preliminary report on the nature and extent of these problems in 757 school districts encompassing approximately half of the public elementary and secondary students in the country.

Following the release of this survey we held two days of hearings to more fully determine the extent of these problems. The testimony we heard from over twenty witnesses, including teachers, students, superintendents, school security personnel and leaders of educational organizations was indeed sad and frightening.

We found that each year approximately 70,000 teachers are physically assaulted in the schools of our country and another 155,000 have their personal property maliciously damaged. In addition, literally hundreds of thousands of students arrive at school only to be assaulted, intimidated and robbed in our hallways, playgrounds and classrooms.

Our studies also found that no school is immune to problems such as these. They can be found in affluent suburban schools as well as inner city and rural districts.

On a national level we are currently spending almost $600 million per year as a result of vandalism to our schools. This amounts to a vandalism tax of approximately $13 levied on every American public school student for repair and prevention of school property rather than on positive educational efforts. For the same amount of money we currently spend as a result of vandalism to our schools we could provide our children with 50,000 experienced teachers without increasing taxes by one cent.

Obviously we are facing serious problems in American public education, but we have overcome enormous challenges in the past and through the cooperative efforts of students, teachers and parents we can do so again today. I order to assist in this effort the second phase of our subcommittee hearings was designed to explore the causes of, and possible solutions for, these problems. One of the first witnesses at our hearings was William Rioux, Senior Associate of the National Committee For Citizens in Education, who gave us valuable insights into the very positive things parents can do to help alleviate these problems in our schools.

We should all understand that there is no "Federal" solution to problems such as these. Nor can we simply rely on government, whether at the Federal, State, or local level, to give us all the answers. Rather these are problems which will require an active partnership of parents, teachers, administrators, and students, along with public and private agencies which will enable us to pool our experience and resources in order that we may secure the type of atmosphere in our schools in which education can best take place.

Parents, of course, have a leading role to play in this effort. A school affected by these problems is literally crying out for parental involvement in the solution. It is vitally important to understand the nature of the problem and to carefully consider what steps to take in response. Without a thoughtful approach there is a very real danger of adopting relatively trivial offenses such as tardiness or truancy. While the need for excluding certain students who pose a threat to the physical safety of classmates or staff members is evident, there are serious questions whether the extent to which some school systems use suspensions as a disciplinary tool is beneficial to overall order and discipline or actually detracts from it. Over the course of our hearings we have often heard that a great number of incidents involving school violence and vandalism are caused by school-age intruders who are not presently enrolled in school either because they have dropped out or have been suspended. It is clear that a school policy which relies on the ultimate disciplinary tool of exclusion for students with minor behaviorial problems is one which causes more problems than it solves.

The very fact that parents have a renewed interest and are involved in the school is a significant step in the right direction. Nothing improves the atmosphere in a school, and the overall morale of both teachers and students, more than the realization that the adult community is concerned about, and involved in, the education of its children. Moreover, becoming involved allows parents to get to know the teachers, students, administrators, counselors, custodians and security personnel responsible for the day to day operation of the school. Schools are after all an educational community and it is vital to insure the involvement of all elements of that community in the solution of these problems.

Parental involvement and cooperation with these groups is only the first step in reducing violence and vandalism, but at a time when we have increasingly abandoned the education of our children to the exclusive preserve of the professional it is nonetheless significant. There are, of course, additional steps which may have to be adopted including creation of alternative schools, for children with behavioral or educational problems, reform of disciplinary codes, or the installation of security equipment. The Juvenile Delinquency In the Schools Act of 1975, which I recently introduced, is designed to provide the expertise, coordination and funds for these strategies. As I stated before, however, violence and vandalism in our schools will not disappear because of an Act of Congress. It is only with the involvement and commitment of all members of the educational community, especially parents, that we can expect to make real progress toward a solution to these problems.

I recently came across something Abraham Lincoln said about education:

> A child is a person who is going to carry on what you have started. They are going to sit where you are sitting, and when you are gone, attend to those things which you think are important. The fate of humanity is in their hands. Teach them well.

I believe by recognizing these problems and by working together toward solution we can, indeed, succeed in "teaching them well."

[From the Indianapolis News, June 18, 1975]

Bayh Panel Hears Angry Teachers, Bored Students

Washington—As separate panels of teachers and students groped to explain to a Senate subcommittee the causes of and the solutions to the multimillion-dollar problem of school violence and vandalism, two contradictory themes emerged.

The teachers indignantly told Senator Bayh, D-Ind., that they only only want a chance to offer students an opportunity to learn without disruption by a handful of trouble-makers.

But the testimony of the students (whose full names were not disclosed to project them from retaliation from fellow students) suggested the offer the schools are making them is an easy one to refuse.

School counselor Amy Hittner of San Francisco, insisting most students enjoy school and want to learn, told the subcommittee yesterday, "Teachers who want to do their work creatively aren't getting the chance."

This sense of the apathy and alienation among their peers is not confined to black, inner-city students like Robert and Debbie.

"There's no pride in the schools; the kids think it's more fun outside," said Tim, of Pittsburgh. New and varied school activities that might turn students on to school are stunted, "because the teachers say you haven't proved you're ready so the programs aren't provided," said Kevin, from suburban Adelphi, Md.

But the students and teachers did agree the problem of order and discipline in the schools cannot be handled by teachers—parents must take a greater responsibility.

Sheila Gutter, a teacher in Queens, N.Y., who had her nose and cheekbone broken in a scuffle with a student, said the answer may lie in expanded preschool programs.

But Robert, a senior in a Chicago high school, said: "When you go to class, you're supposed to have fun, and maybe fun the first day, but then the teachers are teaching the same thing, and the students get bored; they get sick of being in class. So they out to get high."

Why can't learning be the source of the high, of the excitement of school, Bayh asked the students. "Does school have to be a bore or a drag?" he asked.

"No, it don't have to, but it usually is," replied Debbi, an 18-year-old senior from Akron, Ohio. "The smart kids are the only ones who can get into school activities, like the newspaper and the yearbook. We can't all be smart, so a lot of kids just get high to feel good."

Asked by Bayh about former President Richard Nixon's veto of a bill that would have established a nationwide network of preschool programs on grounds it would destroy the family, Miss Gutter said:

"It would not be destroying the family, but educating the parents and the child. Some parents may have had upbringings that are no better than that of the kids we are seeing. You have to reach the child earlier than age 5 or 6 when the patterns are already set, and perhaps instill some values in parents they didn't have."

Sara Hutcherson, a black teacher in a junior high school in Atlanta, said: "You have to begin with parent modification. You often find a child has the permission of his parents to 'get' someone, or his parents don't know what he's doing."

Robert, who plans to escape the Chicago ghetto through his ambition to be a lawyer, agreed. He said, "Parents can stop most of it . . . but sometimes they just go on thinking their kid is a little angel."

Tim and Kevin noted the lack of communication between teachers and parents, especially at the high school level. "You go to a PTA meeting at the elementary schools and they're huge, but there aren't 20 parents at the high school meetings," Kevin said.

Cutbacks in school funds, some witnesses said, handicap schools trying to contain violence and vandalism.

San Francisco's Amy Hittner, Peggy Cochran from rural House Springs, Mo., and New York City's Miss Gutter reported that counseling programs to deal with the emotional problems of the worst of the trouble-makers and efforts to channel the students into more meaningful work-study programs had been eliminated or reduced for lack of funds.

"I wonder what the price is that society pays in the long run for fighting inflation by cutting back on these programs," Bayh said. "The kids who cause the most trouble have to be thrown out of the schools, and we know what kind of lives they're likely to live from there on."

[From the Houston Chronicle, Apr. 16, 1975]

BAYH WARNS OF VIOLENCE IN SCHOOLS

WASHINGTON (UPI).—Sen. Birch Bayh, D-Ind., says the nation's elementary and secondary schools are embroiled in a wave of violence and vandalism that is undermining the public education system.

In a statement at the opening of hearings on violence in the schools today, Bayh said the principal victims are the students.

"The number of American students who died in the combat zones of our nation's schools between 1970 and 1973 exceeds the number of American soldiers killed in combat throughout the first three years of the Vietnam conflict," he said.

One hundred homicides were committed in schools in 1973.

Bayh, chairman of the Senate juvenile delinquency subcommittee, said homicides in schools increased nearly 19 per cent between 1970 and 1973, while assaults on teachers were up 77 per cent, assaults on students increased by 85 per cent and rapes or attempted rapes increased 40 per cent.

Bayh said a "conservative" estimate of school vandalism costs each year is in excess of $500 million, with the average school district experiencing $60,000 in vandalism a year by the end of 1973.

"On a national scale this would mean over half a million additional teachers' aides or breakfast programs for a million and a half hungry children each morning," he said.

Bayh said the hearings will examine aspects of elementary and secondary school violence including a resurgence of violent and organized gangs and the impact of suspensions and expulsions of students. Bayh suggested excluding students from school might be a self-defeating diciplinary tactic."

[From the Washington Post, May 3, 1976]

COUNSELORS ARE BACKBONE OF NOVEL SCHOOL SECURITY PLAN

(By Elizabeth Becker)

Lawrence (Bootsie) Pasco's daily routine at Charles Carroll Junior High School in Prince George's County is pretty much the same as the old days when he walked a beat as a District of Columbia cop.

He ambles down hallways where he is called "Turkey" and "Baldy" by students who laughingly tug his arm when he calls them "Dummy" in return. Or he banters with young boys worried about drugs and bus schedules.

Pasco is one of 42 unarmed plainclothes "investigative counselors" in the Prince George's County school system. They are the backbone of a novel security program—which came to full strength just last month—that has already received national attention and awards and, more importantly, appears to have been accompanied by a decline in the school crime rate.

Not conventional school "guards," the counselors "are free to work directly with the kids," said Peter Blauvelt, the chief of school security, "to turn them around from the problems they are heading for and keep them out of that court system."

Robert Long, principal of Charles Carroll, described the effect.

"Parents and teachers tell him (Pasco) when they suspect a fight. I don't know how many he has actually defused," said Long. "But since Bootsie's been here, the big fights have been cooled off.

"A tool was stolen from a classroom and some vice principals worked on it for days," Long said. They "they gave it over to Bootsie and within five minutes he talked to the right kids and got the tool back."

Pasco noted that Long was exaggerating and that it actually took a few hours.

"We have men and women (as counselors) with as much as 27 years experience who should be callous and cynical and are not," said Blauvelt. "We let them work out their frustrations at having worked with a juvenile justice system that did not prevent crime," he said.

Praise has come from students as well. "The biggest question in our high school," Timothy Lawrie, vice president of the Potomac Senior High School student body, said at the last county school board meeting, "is how will the budget affect the position of our investigative counselor. If he goes, along with the music and athletic programs, there may be racial disputes, increased drug use and kids back on the street."

For the first time, this year's statistics compiled by Blauvelt are showing a substantial decline in school violence and theft.

The number of assaults has dropped from 688 during a six-month period last year to 261 incidents in the same six-month period this year. The property loss figure dropped from $316,612 to $162,305 over the same period.

It took "an awful lot of grief" to get the program going, said Blauvelt, who is its creator.

"When I first took on the position (in 1971), there were seven staff persons and no textbooks to follow," he said. "Then, security was considered a luxury. I had principals who refused security counselors because they thought of them as a stigma, as a sign that they couldn't handle their students."

The next year the school officials were ordered to implement a far-reaching busing program for desegregation and they, in turn, ordered Blauvelt to come up with a 24-hour, seven-days-a-week security program to avoid even a trace of the extensive violence which shook Pontiac, Mich., in 1972 in the wake of court-ordered busing to achieve racial balance.

Since then, he has put in a multiplex ultrasonic alarm system at every school, created a bevy of student-teacher security committees, written his own guidelines covering staff authority and crisis management, and appointed his counselors—"the linchpin of our mini-justice system."

"It's not all hunky-dory and it makes me nervous to say something is a success," said Blauvelt, noting proudly that Reader's Digest did a spread on his system this month.

"Why should we assume that our schools will ever be any different from the communities they sit in?" he asked.

For instance, last year, two students were murdered on or near their high schools, victims of the heavy and often vicious drug market in the county. Blauvelt says he does not think his counselors could have prevented those murders.

However, the county's first burglar alarm system for the schools is thought to be among the country's most sophisticated. Sensors in the buildings are designed to detect even the slightest after-hours movement.

Nevertheless, last month, an arsonist set a fire in an elementary school, causing $200,000 damage. The arsonist was not detected because of a human error.

"One of our monitors made a bad, bad error," Blauvelt said. "He saw the lights blink on the control panel indicating motion in the school and he heard the horns go off. But, for some unknown reason, he thought it was a false alarm. That cost him his job."

If procedure had been followed, Blauvelt explained, the county police would have been called immediately and the culprit arrested, like the 388 persons arrested in the last six months as a result of the combined alarm-county police system.

"That's not the really unique part of our security program," Blauvelt said. "It's the Bootsies, the Cannons (a counselor christened after the television detective) who make it work."

From the great pool of disgruntled and retired police, and military Blauvelt found his 42 counselors. If they were squeezed into an average composite, the counselor would be 42-years-old, have 17.8 years of investigative experience, and would have worked for a police agency somewhere either here or in Europe.

And that counselor would adhere to the simple standards that Blauvelt developed during his six years with the D.C. police and three years with U.S. Navy intelligence.

"I want to show these kids that problems can be solved through logic and reason . . . that force is not the ultimate answer. I don't allow guns to be carried or used as an option."

Bootsie Pasco agrees, although he says he leaves the philosophizing to Blauvelt.

"It's keeping in contact with them, not just coming in and asking what's going on," Pasco explained. "I don't have to worry about punishing them. I just get information, keep up on everything."

Incidents are recorded in Blauvelt's extensive statistical compendium, a passionate endeavor that Blauvelt says has brought dubious distinction to Prince Georges County.

"When some committee wants to do a report on violence in American schools, Prince Georges County is easily cited because we have the statistics," Blauvelt contends "I defy anyone to go to another system and find the data we provide. It's the only way we know what's going on in our schools and find solutions."

Awards and recognition have compensated. The security system was named the best in the country last year by "Security World." Blauvelt's guidelines have been requested by over 300 school systems across the country and half a dozen have adopted them in part or in their entirety.

And as other metropolitan schools face increased violence, drug usage and property theft that disrupt their education program, officials seek out models like Prince Georges County for direction.

Blauvelt and members of his staff have been called in as security consultants to the Kettering Foundation, the New England Center for Equal Education, the American Association of School District, and the International Association of Chiefs of Police. Over a dozen other school district officials have traveled to Prince George's County to see the program in operation.

Those officials hear Blauvelt deliver his favorite homespun tales about simple answers to overwhelming problems, a popular refrain in the county. His classic example is the "rip-off" assembly at Parkdale Senior High School in 1973.

"One day it dawned on me that students were the victims—not just the perpetrators—of school crimes and that, as victims, they might want to help in solving our security problems," Blauvelt begins.

Blauvelt scheduled an after-school assembly at the high school for all students who had ever been ripped off—had their property stolen—during school hours. Over 300 students attended, complaining that as many as 30 cars were broken into each month on the school's parking lot.

That led to a student patrol of the lot where they guarded teacher and student cars alike. The problem was reduced and a new "student security advisory council" was permanently established with the aid of the staff and the student council. Now there are councils in most junior and senior high schools.

However, the school security program—like the advanced language programs and musical programs—is threatened by the budget.

[From the Chicago Tribune, May 7, 1975]

Do the Schools Fight or Foster Delinquency?

(By Peter Gorner)

Each day, Nick, 16, gets on a CTA bus, rides to his high school on the North Side, and takes his chances.

The school is a massive structure built in 1899, with 18-foot ceilings, cracked floors, and dimly lighted corridors lined with lockers. All the doors of the building are locked except the main entrance where a security guard checks IDs and keeps order in the lobby.

Nick is white, as are 10 per cent of the students. They're mostly girls, tho, because white boys find it too hard to avoid trouble.

Crazy things happen in school that are taken for granted. There's a gunfight in the corridor, a teacher gives his class only 20 minutes to take a P.S.A.T. test, it's not worth the risks to use the johns.

Nick may get mugged outside the gym. Or he may not. He may learn enough to go to college, or he may not. The students are guarded by the office clerks, security guards, and teachers. Adults do not so much enter the adolescent world as monitor it. The school is what the Institute for Juvenile Research [IJR] calls an embattled institution.

Such institutions, tho, are the key socializing factor for most young people. Here is their world. IJR researchers, backed by massive data from their survey on delinquency, contend schools may be the most important crime-prevention tool society has.

That data clearly shows that the kids reporting the most delinquency also said they were the most active with friends, the most free of adult supervision, and the most alienated from school.

"School is not a 9 to 3:30 brain-stuffing and polishing operation," says IJR sociologist William Simon. "It's the one point that society has to really communicate with kids, to respond to them, and we simply don't use it that way."

Kids, says Simon, still are thought of as innocent, passive recipients of educational messages. Sharp-eyed youngsters have watched society go thru a dramatic period of social change, and yet the high schools look just like the ones their parents went to.

"Just like their parents, kids are trapped into the same absurd system that says you must learn A before you can learn B, have six units of X before you can have four units of Y," says Simon.

"Any real testing going on in adolescence is for competence. It must look like a meaningful test, one which has consequence for your life and is recognized by other people as being significant.

"So many tests schools require are so archaic that youngsters tend to push them out looking for competence elsewhere. The one anchor they have which invariably provides meaningful tests for them is the peer group. And if the peer group is a gang, the tests can kill them."

IJR found half the young people in the state have been truant. Truancy statutes originally were instituted to keep kids in school. But court statistics show that the laws often are used selectively to exclude troublemakers from school.

In fact, kids all over the state knew of a vicious spiral. It begins when a student, usually a boy, "mouths off" to a teacher. The teacher tells the dean the child is creating chaos, and he is expelled.

Having nothing to do, unable to get a job, either ignored or resented by his parents, he hangs around. Perhaps he breaks a window of the school. Police are called. They now know to watch out for this boy.

Maybe that night he's picked up while driving his car. Perhaps he doesn't have his license with him. An ounce of marijuana is found in his jeans.

He has now committed a series of offenses which—either singly or in combination—have been admitted to by a majority of teen-agers in the state, according to IJR.

The legal system then may or may not be brought to bear against this boy, but the precipitating factor was the school.

Robert's high school on the South Side was condemned in 1963 and has an 80 per cent dropout rate.

"If you can't make it in special adjustment classes, you get sent to delinquent school," he says. "If you're over 16, you're expelled. We got a few honors kids here, too, but nobody talks to them."

An IJR field observer spent much time at Robert's school. She found teachers reading or speaking in a monolog to groups of sleeping students. The Spanish teacher was a young, white woman from the suburbs who was teaching the mother tongue to Mexican Americans.

She tried to teach with enthusiasm, decorated the class with travel posters, and the students tried to burn down her room. Twice. She quit after two years.

"Our stake here is nothing," Robert says. Most teachers and administrators would agree.

IJR says a community's stake in its youth may be defined in four broad types of institutions. Delinquency can occur within each type, depending on how teens react to it.

Familiastic: The school as parent. A kid "belongs" to a community, unless he does something so reprehensible he "forfeits" his place. The basic attitude toward youth is protective.

Formal bureaucratic: Teachers present material, grade papers, and don't get personally involved. School officials and clientele live in two different worlds, administrators believing there's not much they can do about poverty and race barriers.

Professional communal: Officials have discretionary powers, and can either help students or harshly control them. The appeal is made to professional goals and ideals. [IJR, interestingly, found that a teen's willingness to prepare for the future—to defer gratification—made no difference in how much delinquency he reported.]

Embattled: Administrators believe conditions stop them from doing their jobs, while students believe officials don't care about them. Political warfare may result in the community.

The more an institution becomes embattled, says IJR, the more its clientele will consider it irrelevant to their lives. The more it has to offer all its students and the less it relies on punishment, the more the students will be willing to accept it. And the greater the disparity between youths and local civic values, the greater the chance for delinquency.

Just as the IJR study argues that by the time youngsters reach adolescence, families may be helpless to prevent delinquency, the data also points out what most people already knew: The youngsters who survive in the school systems are not the delinquents.

[From the Philadelphia Inquirer, June 6, 1974]

DRUG PREVENTION THROUGH TALKING OUT FAMILY PROBLEMS

(By Gloria Hochman)

The boy in the blue plaid shirt and worn-at-the-knees jeans was speaking. "Some nights my dad doesn't get home until late, and when he does get home earlier, he watches TV. When I try to talk to him, he just smiles and goes back to his television. I don't even think he hears me."

"If I were you, I'd do something bad," volunteered Steven, curly-headed boy with a face full of freckles. "Then he'd have to notice."

"That wouldn't work with my dad," someone piped up. "He'd just get mad and I'd get punished and it wouldn't accomplish anything."

INDIVIDUAL PROBLEMS

This conversation took place on a recent Wednesday morning in a big, casual room called "The Apartment" as the Rush Middle School in northeast Philadelphia. Fifteen seventh graders sat in a circle with Kathy Lawner, a pert, pretty young woman with extensive training in counseling and psychology.

They were working on one boy's problems—a father whose busy business schedule crowded his 13-year-old son out of his life. It was the fourth session in a drug prevention series developed by the Association for Jewish Children for junior high school students in the Philadelphia school system. The program is funded by the city's Coordinating Office for Drug and Alcohol Abuse and has reached 10,000 students this year.

The discussion continued. Kathy was saying, "Could it be your approach? How would you let your father know you wanted to talk to him?"

"I guess I'd tell my mom, and she would tell him," answered Jimmy. "She handles everything in my house anyway."

"Maybe I'd bring it up at the dinner table so we could all talk about it," suggested Larry, the youngest boy in the room.

"No way," interrupted another boy. "Then it becomes a big family argument and I get sent to my room without dinner."

NO PREACHING

"This discussion is typical," says Dr. Vincent Whalen, director of the drug project. "The philosophy of our program is not to preach at children about drugs. Kids are turned off by scare tactics, and we have learned that they don't work anyway."

Dr. Whalen explained that the children's association, which works extensively with teenagers, views drug taking not as a problem in itself, but as a symptom of deeper problems. Often these problems have their origin in family relationships. Peer pressure and personal concerns also contribute.

"Whether or not an adolescent will take drugs has a lot to do with how he feels about himself, the extent to which he can be swayed by his friends and his own decision-making capabilities. "All of these, explained Dr. Whalen, are tied up up with his relationship with the meaningful people in his life, such as his parents, brothers, sisters and other significant adults.

"So we don't harp about drugs," Dr. Whalen explained.

"My mom and dad think they're great parents," a boy was saying. "Whenever something goes wrong in our house, it's always our fault—me and my sister. They don't even give us a chance."

"Do you give them a chance," Kathy asks, leaning into the circle? "Think about your approach to your parents. What would you do if you thought you were being mistreated?"

"I don't do nuthin," Billy said. "It doesn't do any good anyway. When my dad makes up his mind, he won't change it. If you bug him, you get in trouble."

During the last 10 minutes of the session, Kathy sums up. "Next time you think your parents are not being fair to you, ask yourself some questions. Are they really being unfair? Maybe they are and maybe they're not. Why are they treating you this way? Is there a legitimate reason? Have you really tried to get through to them in a mature way? Have you considered their feelings?"

Is the association's program successful? Children, teachers and school personnel think it is. Students say that they look forward to the informal sessions where they can ventilate their feelings and that they better understand why people take drugs.

Veronica Kaliski, a counselor, says, "It is progress when a group becomes aware that there is such a thing as peer pressure. And often, after a couple of weeks in the program, a child will come up to me in the hall and say something like, 'Remember when we were talking about relationships with parents last week? Well, this week I had a problem with my mother and I learned how to handle it better.' And so we feel it works."

[From the Indianapolis Star, July 9, 1975]

EVALUATORS HAIL TECH 300 PROJECT AS INGENIOUS

(By William J. Booher)

An evaluation team of Purdue University faculty members considers the Tech 300 project "ingeniously conceived, vigorously developed and to the distinct benefit of the students involved."

Harv Oostdyk, co-ordinator of the project at Arsenal Technical High School here, predicts that during the coming school year it will become a "national model of great potential."

It is the first project in the nation to co-ordinate social and educational services, according to Oostdyk.

The project, named for the initial number of pupils to participate, also can be described as experimental, expensive and expanding.

During the last school year, 300 freshman at Tech were the first to receive the intensified concern shown toward them by more than 30 persons with social service training who were employed full-time on the project.

Those supportive staff members directed their efforts toward solving or minimizing the pupils' emotional other problems and improving their attitudes toward school and attendance.

The theory of the project is that once pupils' emotional and attendance problems are dealt with, their achievement in school work will increase.

During the 1975-76 school year, the project will cover about 1,000 pupils—about 300 freshmen and 260 sophomores at Tech and the entire freshman class of 420 at Crispus Attucks High School.

The project still is referred to as Tech 300 despite its enlargement.

Kenneth M. Smartz, assistant superintendent for secondary education, said it still is too early to determine the value of the project, but indications are that it has potential.

Attendance and grades of Tech 300 students compiled for a first-year report by Oostdyk and the staff show some progress in increasing academic achievement and attendance.

The Tech 300 data was compared with that of a comparison group of Tech pupils to determine the effects of the project.

The Tech 300 pupils had a better attendance record than did the comparison group, but the report stated: "We feel attendance can be improved beyond present achievements."

Methods to improve attendance further will include daily home room work periods at the beginning of each school day and the "placing of the teacher in a position of direct responsibility as a supervisor of attendance work."

The report preparers complained: "It is a tendency for teachers to extract themselves from responsibilities associated with attendance."

Review of the work of the social services supportive staff was outlined in the report, which said in part: "A review of their methods throughout the year indicates they are capable of self-evaluation and adjustment.

"They represent a reservoir of skills and contacts which can and have brought solutions to the social problems of students and their families.

"Their activities ranged from housing relocation to coaxing a scared kid out of a tree."

They also provided tutoring at the end of the school day and many times helped students on a one-to-one basis during class time, according to the report.

The report expressed a need to develop a co-operative work relationship between support workers and teachers and designate specific work assignments.

"Educators must do some sober thinking concerning the discovery of efficient and meaningful ways to avail themselves of the help offered by the support worker," the report maintains.

In their report on the project, the Purdue educators, who are faculty members in the education school at the university, recommended the project be continued and expanded.

They believe the project will "spark new ideas throughout the school system."

The project is funded for the 1975-76 school year through a $233,998 grant from Lilly Endowment Inc., which provided more than $200,000 for the project last school year.

Also, Mayor Richard G. Lugar has been instrumental in the project's formation and expansion to Attucks. He is expected to provide about 70 persons for the supportive staff, using Federal Manpower Division funds and other resources.

The mayor provided 20 persons last school year for the project. Most, if not all, of the 70 persons are expected to remain with the project for the school year even after Lugar leaves office in January.

School officials hope the next mayor will maintain the city government's support for the project.

The Indianapolis Board of School Commissioners provides classroom teachers for the project. They teach regular classroom subjects. An intensified reading program will be added this school year.

They rotate among classes of Tech 300 pupils, while four supportive staff members are assigned full-time to each class of up to 40 students, enabling them to maintain continuous close personal liaison with the students.

During the last school year, the Tech 300 pupils were located in eight adjacent classrooms in one building at Tech.

The proximity of the pupils to each other during the day in itself was remarkable at a school which has about 5,000 pupils, 74 acres and 17 buildings.

Oostdyk, who notes that the project was developed by a nonprofit Institutional Development Corporation, believes it can be expanded and still maintain its individualized style of working with pupils.

He maintains there are many persons in the community in social service work who can direct those services to the pupils in the classrooms rather than waiting for the pupils to seek them out.

The Purdue report cited the educational philosophy implemented in the program as being "rather traditional . . . want the boys and girls to read better, write better and do arithmetic better in addition to their attention to social and personal development."

It added: ". . . the staff of Tech 300 generally is concerned with improving basic skills."

It warned that the "support staff should not assume responsibilities of the professional classroom teacher.

The Purdue evaluation team said pupils in the project generally were favorable of the program and said it had improved their classroom work.

But some pupils, the evaluators added, complained of feeling the project pressures pupils too much and invades their rights to make their own decisions.

The evaluators suggested that consideration be given to implementing the project in the late elementary grades when the potential dropouts are in the development stages.

Also, the evaluators recognized the exepnse of the project "at least in terms of the school system's typical cost."

Their report stated: "The concern is: Can these additional per pupils costs be brought down low enough so that the program will be judged desirable in light of the benefits?

"To operate an excellent program for a few years for several thousand pupils while good for these students, has elements of futility in it."

Oostdyk explained that Tech was selected for the initial phase of the project's implementation because of its principal, A. Ray Reed. "Without him, the project would not succeed," Oostdyk said.

Smartz said if the program shows real educational advances, school officials may be willing to try to "sell it" to the public and the school board to incorporate it into the school system.

The Purdue evaluators questioned whether private and Federal funding and city government support would remain over a long period of time for an experimental project.

[From the Indianapolis Star, Sept. 18, 1975]

EXPULSION "SUCCESS" FOR SOME STUDENTS

WASHINGTON (UPI).—Suspension or expulsion from school merely gives some young troublemakers a "success"—getting into the streets—and should be done only when there is a "serious threat to people or property," a Senate committee was told yesterday.

In testimony before Senator Birch Bayh's juvenile delinquency subcommittee, a member of the national PTA and a representative of the Children's Defense Fund decried disciplinary exclusions as "almost a knee-jerk reaction by school officials to children who pose problems because they are different in any number of ways."

Marian Wright Edelman of the CDF, a privately financed child advocacy organization, said a study of suspensions in the 1972–73 school year found more than 1 million children suspended for more than 4 million school days, and the figures do not include expulsions, temporary dismissals, or children sent home for "cooling-off" periods.

The study, made public Tuesday, found most suspensions were for nonviolent offenses such as truancy or tardiness. Less than 3 per cent of the students were suspended for destruction of property, use of drugs or alcohol or other criminal activity, Mrs. Edelman said.

She also said many student troublemakers have undetected learning and perceptual disabilities.

She and PTA President Mrs. Walter G. Kimmel called for revision in discipline policies to meet the needs of students who cannot function in the standard school environment. Mrs. Edelman said suspensions should apply only to situations that "pose a direct and serious threat to people or property."

"Suspending a truant only provides success for him—this was his goal—but it does not improve his education or his ability to cope with his problems," Mrs. Kimmel said.

"It is clear that a school policy which relies on the ultimate disciplinary tool of exclusion for students involved with minor behavioral problems is one which causes more problems than it solves," said Bayh (D-Ind.). "We cannot treat troublemakers by throwing them out on the street."

[From the Boston Christian Science Monitor, May 19, 1975]

HOW ONE SCHOOL TURNED OFF VANDALISM

(By Robert P. Hey)

Five years ago vandals broke into the Riverdale Elementary School half a dozen times during the school year, and broke school windows almost every weekend.

Now the level of vandalism here is near zero. Window panes remain whole, and the break-ins have ended. "It's as if an invisible moat surrounds the school," says principal Herman Schiemer. Additionally, there is little in-school violence—although some 500 pupils come from the neighborhood—white, ethnic, low-income, low-adult educational level, and the remaining 200 are bused from nearby Seat Pleasant—all black and low income.

Riverdale's success flouts the national trend. The nationwide cost of vandalism and violence is estimated at $500 million annually, according to a special study of the Senate juvenile delinquency subcommittee. Public opinion pools in some communities show parents consider discipline, school violence, and vandalism as their schools' top problems.

From now through October the Senate subcommittee is probing this whole issue. One thing Indiana's Sen. Birch Bayh, subcommittee chairman, wants to learn is whether strict discipline—classroom repression and school expulsion—helps solve the problem—or makes it worse.

ONLY TWO SUSPENDED

Riverdale's approach was a blend of reasoning individual attention, and human love, says Mr. Schiemer. Only as a last resort is discipline used. Since taking over five years ago "I've only suspended two kids," he says.

Subcommittee investigators tentatively think harsh discipline counterproductive. They are looking for success stories from schools using other means.

When he has had to be stern with a pupil Mr. Schiemer makes a point to seek him out at least once later in the day to speak kindly to him—so that the child understands he is loved although his actions have been disapproved of.

Coupled with the school's reaching out to parents and community, this approach gives pupils such a good feeling about the school that they protect rather than vandalize it. Kindness, in addition, also unlocks the doors of learning for many youngsters.

At the core of the Schiemer approach, is the necessity of building one-to-one relationships between a teacher and every child in his class. It takes a long while and with some children must be done outside the classroom: "I tell my teachers," Mr. Schiemer says, "that most children you can 'reach' at school—but some you never can. You have to get to know them outside school."

Thus teachers take a pupil or two to lunch, to a movie, to sleep overnight at their homes, or for the weekend. One young teacher took all the boys in her class to a movie; then invited all the girls to sleep overnight. "They slept up on the third floor; her husband came up and told ghost stories, and they had a great time."

Other educators in the area laud the dedication of the school's faculty.

SUCCESS SECRET HUNTED

Dr. Harold C. Lyon, head of the federal government's Office of Gifted and Talented Children, once surveyed successful Americans to see if it could be determined what factors contributed to their success. One thread ran throughout, he found: in every person's case, during childhood some adult had stepped out of his formal role, as teacher for example, and had known and related to the child as a friend. This special attention, Dr. Lyon believes, is a key to successful teaching.

[From the Boston Christian Science Monitor, June 19, 1975]

HOW SCHOOLS PLAN TO FIGHT VIOLENCE

(By Robert P. Hey)

A Congress searching for solutions to the nation's perplexing problem of school vandalism and violence is hearing recommendations from students and school-security officials.

Individually they have recommended at a hearing of the Senate subcommittee on juvenile delinquency, chaired by Sen. Birch Bayh (D) of Indiana, steps to lessen the problem, estimated by Senator Bayh to cost American taxpayers almost $600 million annually:

Install burglar-alarm systems in schools. This is being done in the 234 schools in Prince Georges County, Maryland, says county school-security chief Peter D.

Blauvelt. In the first nine months the system was in partial operation—through May 31, 1975—police had caught 106 intruders inside school buildings.

School systems should hire more professional investigator-counselors to investigate crimes on school property. Prince Georges County had seven investigators in 1972; and 42 in 1974. During the school year just ending they conducted 4,200 investigations; Mr. Blauvelt says as a result of their presence, robberies are down 5 percent, extortion down 18 percent, drug overdoses down 33 percent, and sex offenses down 42 percent.

Involve students in providing school security. Mr. Blauvelt said a Prince Georges County program, called the "Student Security Advisory Council, has been instrumental in allowing interested students an opportunity to identify security problems" and to get to work to solve them. "Through workshops and small-group discussions, students begin to understand their responsibilities within the school community."

A Pittsburgh high-school student said a similar program in his city also has helped cut down vandalism of school property, and violence within schools, by involving students in understanding and solving the problems.

School officials should show more genuine interest in troubled students as individuals, said a Chicago high-school student identified only as "Robert"—talking with them individually. But as for students "that don't care and really don't want to do nothing—let them go"—let them quit school so that motivated students can learn without their disruptions.

More forceful prosecution of students who sell drugs in school, steal, or assault teachers and other students. Often they're not punished, said one teacher during this week's hearings—relating the story of six students who had stolen several-thousand-dollars worth of school property and only were expelled. Since they promptly enrolled in other schools, she said there was no effective punishment.

"The police bust [arrest] them" for being violent in schools, added Robert—"but not like they should."

As a motivator, offer students a variety of interesting outside activities—such as writing for the school newspaper—said "Debbie" of Akron, Ohio. But require them to have good grades to participate.

Schedule joint social activities for youths from several neighborhoods, such as a swimming pool that would draw from several communities. "Tim," a high-schooler from Pittsburgh, said getting students from several neighborhoods together would have a good effect—they would be more tolerant and helpful toward each other, instead of suspicious and belligerent. As a result, he indicated, there likely would be a decline in vandalism and violence that youngsters of one area conducted in another school district.

School-security programs are expensive, Mr. Blauvelt noted. Four years ago the annual school-security budget of Prince Georges County was $474,000; this year it was $723,000. To meet requests from school administrators for security services, the school board would have to raise this to 907,000, he said—an increase the board almost surely cannot find the funds for.

Senator Bayh notes the great expense of vandalism to school systems. Nationally, he says, "we could, without increasing taxes by one cent, provide our children with 50,000 additional experienced teachers for the same amount of money we are currently spending as a result of vandalism to our schools."

Mr. Blauvelt urged Congress to pass a measure proposed by Senator Bayh called the "juvenile delinquency in the schools act of 1975," and through it provide "immediate appropriation" of $100 million to the nation's schools systems to help them improve school safety. He noted that the National Association of School Security Directors makes the same recommendation.

[From the Washington Star, May 7, 1976]

HOW VOLUNTEER PARENTS KEEP SCHOOLS FUNCTIONING

(By Lorenzo Middleton)

Dwight D. Eisenhower Junior High School was having its problems in the spring of 1973, following the implementation of the massive desegregation plan in Prince Georges County.

Discipline was getting out of control. Students went home complaining of violence and extortion in the halls. Rumors of race riots were spreading like wildfire. Parents were worried.

"We felt a great need to know what was going on," said Jan Dalton, who has two daughters at Eisenhower. So one warm morning during a particularly tense week, she and about 35 other parents marched into the two-story school building to take a look at the situation firsthand.

They were braced for a "big rumble" that had been threatening all week, but it never happened. In fact, the parents spent all day at the school—walking halls, checking bathrooms and monitoring the cafeteria—without seeing one fight. "We noticed immediately that we had a quieting effect on the students," Dalton said.

They also noticed, however, that the teachers and administrators did not seem to be in full command—students were walking halls and cutting classes in large numbers and there was a widespread use of "abusive language" around the school, Dalton said.

So the parents decided to stay and help bring things under control.

This year, scarcely a soul can be found in the halls while classes are in progress. The students show more respect for one another and their teachers, Dalton said. And they are learning more, she said.

Harry Rose, principal at Eisenhower for the past year, said the parents have helped to bring about the change by working as volunteers in the school—tutoring, monitoring and doing a thousand other chores to help the school of more than a thousand students run smoothly.

Their presence has also pressured the administration to crack down on discipline, Rose admitted.

The story at Eisenhower has been repeated in schools all over the county and as well as in other school systems around the country that have recently undergone the tensions of massive student transfers for racial integration.

The national School Volunteer Program, Inc., which just opened its headquarters in Alexandria this month, says there are more than 2 million volunteers in 3,000 educational programs across the country. Volunteers have given at least $640 million in time to their schools over the past decade, the NSVP estimates.

Desegregation has been one of the major influences recently in bringing parents—and even people without children—into schools in increasing numbers.

John Alden, executive director of NSVP, said several new school volunteer programs around the country were started "specifically for the purpose of improving the racial relations."

Officials in Prince Georges County, for example, said the school system was flooded with offers from the community to help hold down the disorder caused by the court-ordered desegregation plan.

"We had all kinds of people from all walks of life who came into assist," said G. James Gholson, an assistant school superintendent. "In fact, we had so many we couldn't use all of them."

Prince Georges now boasts of having one of the three or four largest public school volunteer programs in the nation, with 15,000 volunteers compared to about 9,500 before January 1973.

The volunteers work an average of 10 hours a week in almost all of the county's 234 schools, according to Marti King, director of the school system's Office of Volunteer Services.

Alexandria schools also saw an increase in volunteers (but on a much smaller scale) four years ago when school boundaries were changed for integration.

Dorothy Mulligan, coordinator for about 500 volunteers in Alexandria's 22 schools, told the story of an irate father who went into George Washington High School with his daughter one morning and left with "a sense of accomplishment" that afternoon, after the principal recruited him to help put out the school newsletter.

The number of volunteers also increased with the implementation of the forced desegregation plan in Boston, said Isabel Besecker, director of School Volunteers for Boston.

She noted a "considerable increase" in the number of volunteers when phase one of the plan went into effect in 1974. But she added that the schools lost a number of parents last fall, when phase two was implemented. In the second phase, she said, more students were bused out of their neighborhoods and it became more difficult for parents to get to their childrens' schools.

Even with the loss of parents, however, Besecker said the overall number of volunteers is still rising, due to an increased interest in the schools from other groups, such as senior citizens and the business community.

Some school officials fear that too much importance might be given to the role of integration in drawing volunteers. In Prince Georges, King credits most of the growth of volunteerism there to having "the largest and most organized support and training system for volunteers in the country." She said her program has grown to its present size in 10 years, after starting with only 15 volunteers in eight schools.

"There are a lot of reasons volunteers go into a school," King said. "The very best reason is because they want to be of service, but some go in because there's a crisis situation.

"During desegration, I think a lot of people went in to see that it wasn't a dangerous place or hoping that their presence would have a calming effect, and then discovered that they could offer something meaningful."

Another boost to volunteerism has come from Title I and other federally funded school programs of the past decade, which require that parents become involved before the funding is approved.

The type of involvement varies, but a spokesman for the Office of Education said parents have become more acquainted with educational programs in some 60,000 schools as a result of the federal aid requirements.

One out of every four Americans does some sort of volunteer work, according to a 1974 Census Bureau survey, with school and health volunteers coming in second to religious-oriented volunteers.

The typical school volunteer is a white, middle-class housewife who works through the PTA at her child's school. And usually, as the children get older, the mother drops out of voluntary school activities, the survey showed.

Volunteer workers in the Washington area site such statistics in their arguments to keep or increase the number of paid volunteer staff workers.

Ms. King in Prince Georges is concerned about rumors that the school system is preparing to reduce her $128,000 budget next year as part of an austerity program to help the system out of its financial troubles.

But she said a cutback in the volunteer program would prove to be costly in the long run, estimating that her 15,000 volunteers are doing work that would otherwise cost the school system $5 million a year.

King predicted: "Withhin two years they will have lost almost all of the volunteers in the school system without an organized volunteer service office."

Until recently, volunteers have been relegated to minimal chores such as "collecting milk money, running off dittos and going on field trips," King said. "But with the development of better training programs, the trend has been to use them not as clerks but as paraprofessionals in a teaching-learning situation."

The training has also led to the acceptance of volunteers in secondary schools, where teachers and students have traditionally resisted assistance from "unprofessional" aides, King said.

She added that tutoring programs manned by parents and other unpaid tutors and counselors have helped cut down discipline problems by giving individual attention to students with learning difficulties, who she said are usually the troublemakers.

The Fairfax school board eliminated all but one of its four part-time volunteer coordinators in budget cuts last year, and the volunteer program is now in danger, said Sara Lahr, director of the county's Volunteers in Action program.

Without additional paid coordinators to recruit and train new volunteers, Lahr said, "I would think volunteerism will continue as it did in the past—it would be strong only in those communities where parents place high values on achievement and education."

In Montgomery County, areawide volunteer coordinators were eliminated from the volunteer program due to budget cuts two years ago, and as a result the program has suffered, said Margaret Trask, a volunteer training specialist for the federally funded Title I program.

Although there are "thousands of volunteers scattered throughout the county school system," according to Trask, there is no way to keep track of them without the coordinators.

"I think the program will eventually deteriorate without anyone to oversee it," Trask said.

D.C. schools are also limited to only a small force of organized volunteers in the Title I program. However, Superintendent Vincent E. Reed, citing the need for more parents and other citizens to become involved in the schools "to make our school system work," said his staff is currently working toward establishing a "formalized and systemized" volunteer program.

[From the New York Times, Aug. 31, 1975]

MADE-TO-ORDER HIGH SCHOOLS

(By Donald Johnston)

That all young people do not fit into the same high-school mold has long been an educational reality. Now more and more school systems are providing alternatives to the conventional high school program.

Options in teaching and learning have existed in private secondary schools for some time, but only in the last five years or so has the idea become widely accepted in the public sector. According to the National Alternative School Program, a clearing-house for the field at the University of Massachusetts, as the fall term opens this week and next, an estimated 1,000 public "alternative schools" will be operating across the country.

Alternative schools are more informal, more flexible and more personalized than standard high schools. They vary in format and setting. But all emphasize the student's choice in determining his curriculum ("A student is limited only by his imagination in the creation of an activity or program," the handbook of one school says).

In most alternative schools, teachers don't lecture, they discuss. Teachers and students frequently are on a first-name basis. Students don't sit at desks in rows, they sit on the floor or on lounges or at tables. Lessons aren't always held during the normal school day.

In some of the schools, students seldom enter a classroom; instead, they pursue their individual interests outside. They may study the stars at a university observatory, work with computers at a local business, learn baking at the corner bakery, discuss the Renaissance with a historian in his home—all for academic credit. (Like regular high schools, alternative schools must comply with state academic standards, and the students must work in required subjects such as English and American history.)

Most alternative schools don't have grades, though in some the students have the option and many take it. The usual arrangement is pass/fail, based on evaluations by teachers and advisers.

Alternative schools are open to all students of all abilities, but they are different from programs for disenchanted dropouts, drug addicts or others with special problems. Participation is voluntary.

Some alternative schools offered their options as separate programs within the regular high school, involving all or most of the students. Others are operated as satellites housed in separate buildings. Where space limits the number of students, admission is determined by past records, interviews or, in some cases, lotteries.

SUBURBAN AND URBAN

About half the alternative schools are in suburban communities, including some with highly regarded school systems, such as Scarsdale, Mamaroneck and Great Neck, N.Y.; Newton, Mass.; Webster Grove, Mo., and Beverly Hills, Calif. The others are divided among big cities, including New York and Philadelphia, smaller cities such as State College, Pa., and even some rural towns with regional high schools.

An example of the schools-within-a-school that has attracted wide attention is Quincy II High School in Quincy, Ill., a Mississippi River town of 45,000 people. Quincy offers its 1,500 secondary students a choice of seven separate sub-schools, ranging from traditional to free-wheeling fine arts, with career training and work-study in between. Haaren High School in New York has a variation: mini-schools of 150 students, with common themes such as aviation, creative arts and urban affairs.

Typical of the satellite concept are the schools in Scarsdale, which had 65 students last year, and State College, which had 125. The teacher-to-student ratio is low, and the students spend much of their time in the community under the tutelage of volunteer experts. Each student has his own curriculum and time schedule.

One junior girl at Scarsdale, for example, chose this curriculum last year: First term—sculpture (with volunteer), American history (required), children's literature (required English), existential writers, independent study with the art teacher at the high school. Second term—astronomy (at night), history (required), women's studies, reading and writing poetry (required English), art classes at a private school in New York City.

A key feature of the Scarsdale program, typical of similar programs, is a month-long break called IDLE (In-Depth Learning Experience). There are no classes and each student pursues an individual project, whether a trip to an archeological site, helping in a hospital or working in a lawyer's office.

A special requirement in State College is a community project for each student. "It not only is a learning experience," says Charles A. Boyd, director of the alternative school, "but it also is a way in which the students can repay the community for the help it gives the program."

The trend is not without its critics. The most common criticisms are that there is too much free time; that not enough attention is paid to the basics; that there is frequent failure to focus on significant goals, and that adolescents are not mature enough to assume the responsibility alternative programs require.

But proponenets insist that the record so far shows that these are not major concerns. Students who opt for the alternative schools, they say, generally are those who function best with more freedom. Most alternative schools report that their graduates have no trouble getting into college, or obtaining jobs, and do well once there.

Mario Fantini, of the State University of New York at New Paltz, an authority in the field, believes alternative schools will continue to increase, providing two conditions are met: "The traditional program must be retained as one of the options, and, as has been the case so far, the per-pupil cost must not exceed that of the regular high schools," he says.

[From the Baltimore Sun, Nov. 2, 1975]

MOVING TO MAKE THE SCHOOLS SAFE

(By Jeanne E. Saddler)

Nine months ago, representatives of national and local teachers' unions met at Calverton Junior High School to announce a program to curb violence in the city schools.

Last week John Uram, 48, a counselor at Calverton, died of a heart attack when a nasty struggle followed his insistence that a 12-year-old was not to leave the cafeteria. The irony and tragedy of that death, as well as the recent spate of disruptions and assaults on school-and home-bound city buses, has brought about what has come to be almost an annual outpouring of concern about "violence in our schools."

At last February's press conference, the Public School Teachers Association announced the establishment of 24-hour telephone line for teachers to report violent acts. The National Education Association, PSTA's national parent group, said that a national study of school violence would focus on Baltimore and Compton, California.

The violence "hot-line" has fallen into disuse, according to PSTA officials, who say that teachers are still reluctant to identify themselves. The study of school violence in Baltimore, however, goes on.

The statistics are stark enough, and in a society grown callous to foreign wars and domestic riots, they may be the only steadily mounting toll that shocks or even concerns us.

School security officers reported 249 complaints of violence or criminal incidents in city schools during September including 42 assaults, and 55 robberies and attempted robberies.

Last spring, the keepers of the count on school misery noted that assaults on students tripled during the first six months of the last school year as compared with the 1972-1973 school year, while assaults on teachers and other school staff members doubled.

School administrators often temper such reports by warning that many of the incidents happened in the neighborhoods surrounding the school, and not actually within the hallowed halls of the public school. In addition, they caution that the great majority of the incidents, although termed "assaults" may involve little more than a push or a scuffle.

But to parents, it is not so much the count or the seriousness of the incidents that causes alarm as the quality of terror that now seems to burst into the schoolhouse at will.

A recent U.S. Senate survey of 516 school districts, however, limited itself to incidents within the schools. The study claims that there were "literally hundreds of thousands" of assaults on students between 1970 and 1973, and listed about 70,000 "serious attacks" on teachers annually.

More than 10 students were killed in the school districts in 1973, and the number of weapons confiscated by school authorities rose by 54 per cent over the three year period. According to the subcommittee, which was headed by Senator Birch Bayh (D.-Ind.), vandalism is costing the nation $500 million annually.

Confronted with the fact that public school pupils may suffer anything from extortion of their lunch money to a shooting at school, parents say that the schools have failed as institutions, while teachers and school administrators point to the "permissive society" and "the breakdown in the family structure" as forces that would inevitably undermine the effectiveness of the school.

"It's ironic," Karl Boone, president of the Public School Teachers Association said. "Parents have traditionally looked at the schools at baby-sitters, while the schools have been very academically oriented, with an emphasis on going to college. There's direct conflict there."

Mr. Boone, president of a Commission on Safety in Our Schools, which was formed last February, said the group will submit recommendations to school administrators and the school board soon that call for better teacher training and varying the school program to fit what he and many school administrators say is today's "different kind of student."

"The average teacher that comes out of college is not equipped to take over a classroom," the 37-year-old PSTA president commented. "Ninety-five per cent of our teachers know their subject very well, but perhaps we need to use some behavior-modification techniques and to learn to relate to the type of child that we are handling."

That child, he argues, is "more mature, yet frustrated and unable to find himself." Mr. Boone and other educators see the young as somehow clamoring for "relevance" in their school subjects.

The SOS commission, as it is called, will also propose more work-study programs for junior and senior high school students so that they can "get out into the community and see why they need different skills."

The argument that teachers are handling a different type of child is part of the liberal analysis which holds that our institutions are afraid of change and shrink before new ideas and challenges.

During a press conference focusing on the national school violence study, Senator Bayh criticized school administrators for censoring student publications "in an overly restrictive . . . and capricious manner," and for denying students the chance "to present their side of the story" before they are disciplined.

More conservative voices, however, insist that schools have simply spared righteous indignation at youthful behavior, as well as the rod.

W. Eugene Scott, the school board member who conducted a series of 11 hearings at local junior high schools late last year, is of that camp, and describes himself as "an 1800-type school board member."

After his hearings, at which many teachers claimed that they actually fear about 5 percent of their pupils, Dr. Scott asked his fellow board members to establish a special school for disruptive youngsters.

"I refuse to accept the argument that the schools are a reflection of society. And I don't buy that 'the courses are irrelevant' argument, either," he said recently.

"We took Latin in school, and what could be more irrelevant? No one spoke it. We were just told that it would help our English. It's not the subject matter, it's how you present it," he said.

Dr. Scott also rejects the idea that the school system is dealing with a new type of child, and insists that children are simply "getting away with more, while their parents are too busy making a living."

"I believe in corporal punishment at the elementary school level; I made that clear when I got on the board," he added. "I will never understand why people will freely subject their child's mind to any old teacher, but say 'don't you touch their bodies.' In the black community, I believe that we tend to feel too much sorrow for our children for what they will face in this society, so we don't want anyone else to bother them."

Dr. Scott tempers his remarks, however, by freely admitting that he has had serious problems in communicating with some of his own teen-age children.

But neither the classic liberal or conservative arguments approach the extremes of those who have suggested the repeal of state laws that require children to attend school. Some observers say that such solutions come from those who believe that violence is the preserve of inner-city schools, and are willing to "give up" on black children.

That fear was, perhaps, the basis for objections to Dr. Scott's proposed special schools for disruptive youth. Roland N. Patterson, the former school superintendent, opposed the idea as a scheme to scuttle difficult children onto a "scrapheap of separate schools." John L. Crew, the interim superintendent, has promised to establish such a school, however, as soon as an adequate building can be found.

At a recent press conference called to deal with the problems of student disruptions on Mass Transit Administration buses, Dr. Crew stressed the "schools-reflect-society" theory, while, announcing a campaign to overcome the problem.

A group of eighth graders interviewed last January at Clifton Park Junior High School called violence in the schools, like violence in the streets, a fact of life. But in their comments, the children implied that the reasons for school violence are economic, and born of frustration, as well as old-fashioned mischief given an opportunity to flower.

"Maybe they didn't fight when you were in school," one child said as the class marveled at the fact that their visitor had finished school without fighting." But in these days of inflation, you can't afford to have people taking everything from you. Things are too high."

The students said that their classmates sometimes vandalized the building, which had stood crumbling until the desegregation plan focused attention on the place, "because they know the buildings are falling apart anyway."

One of the solutions that has grown out of the confusion about violence in the schools, suprisingly, is quite like the suggestions for curbing violence in city neighborhoods. The plan would require people to live as a community on the streets as well as in their homes. Concerned citizens, community activities and some strategic planning can often limit the opportunity, if not the inclination to commit crimes.

Lake Clifton High School used this model, along with a massive human relations campaign, and opened peacefully under a massive desegregation plan. Bus stops were located near the school, and black and white parents moved into the school as volunteer hall monitors, peacemakers and information bureaus. Police officers and teachers were also on the alert, and students were constantly encouraged and challenged to meet strict standards of behavior.

The plan took people, forethought, patience, and money—all elements of both the conservative and liberal approaches to the problem of violence in the schools. But perhaps more importantly, it was an actual attempt to accomplish something rather than just a study.

"School," Mr. Boone said, "are the last vestige where the public can have some direct influence—a piece of the pie."

[From the Washington Post, Aug. 6, 1975]

NINETEEN TEACHERS LEARN PAINFUL LESSON

(By Doug Brown)

Some Arlington school teachers looked puzzled yesterday as they tried to read a story written in Spanish. Nevertheless, they were told to finish it, reading aloud.

That brought complaints from some of the 19 teachers gathered at the Long Branch Elementary School. "This isn't written in English," exclaimed one. "There was nothing in our class description about this," said another.

It turned out that the story was written by Gloria Parks, a native of Bolivia who nine years ago was driven to tears by the laughter of her fellow 10th graders at Arlington's Washington Lee High School when she tried to read—in English—her first oral report in this country.

In the last sentence of her story: "Cuando me levante y empece a leer un muchacho de mi clase se empezo a reir," she recalls that when she stood up and began to read, a boy in the class started to laugh.

It was an object lesson for the 19 teachers, who were participating in a program funded with $45,000 in federal money to make the county's teachers more sensitive to the problems of minority students, in addition to training them how to incorporate the history and culture of various ethnic groups into their teaching.

And the lesson apparently was not lost on the teachers. "I felt dumb . . . stupid," said one. "And it wasn't fair because you knew we couldn't read it."

This fall the teachers will be giving such classes as "Black Dance: An Expression of Freedom," "Korean Customs" and "A Ministudy of Culture Shock: Hey Jose, I Love You."

The five-week training program, which ends Friday, has instructed the teachers in the culture and history of blacks, Koreans and Hispanic people. It is an attempt, according to school officials, to adapt Arlington schools to its increased minority enrollment.

Minority enrollment has increased from 12.3 percent in 1970 to 21.5 percent this year. While the total school population has declined about 20 percent during this period to 19,917, the number of black pupils has increased slightly, to 13 percent of the enrollment.

The number of foreign-born students has doubled, and they now make up 8.5 percent of the student population. About 35 percent of these students are Spanish-speaking and another 30 percent are Korean.

Hazel Fontein, a Taylor Elementary School fifth-grade teacher, said the multi-ethnic training program was necessary because "the minority group kids are not included in the mainstream of everyday school activities."

School officials said minority group students do not participate as much as others in extracurricular activities and their parents are not as active in PTAs and other school activities.

There are regular classes to teach English to foreign-born students and to teach black history, but until now there has been little effort to introduce the history and culture of minorities in regular classes attended by all students.

Mrs. Fontein said, "Minority students will gain status with other groups if they are allowed to tell the class about their cultures and to show that they know something and are not dumb.

"And with more status this will give the minority students more incentive to learn," she said.

The teachers who volunteered for the training program are being paid $750 to attend the sessions, which last five hours a day. During the sessions they were instructed by minority group consultants on the types of problems faced by, minority-group students, dined at Korean, Spanish and soul food restaurants and visited a number of minority-group communities.

[From the San Diego Union, Apr. 17, 1975]

ON-CAMPUS RESIDENTS CUT CRIME

(By Diane Clark)

There has been a school-sitter at one of San Diego's junior high schools for the past year—a husband, wife and a daughter living in a trailer on-campus—and the experiment is paying off.

The main result, according to a city school district study, is no major vandalism or fires at the school.

The district spent about $6,000 to prepare the site and move the resident's *Mobile home* March 21,1974—complete with pots of flowers and door stoop American flag. The trailer sits on campus between classrooms and the athletic field, with only a fence guarding its asphalt lawn.

There the resident and his family have spent the last year. They paid no moving costs or rent. And gas, water and electricity is provided free in exchange for Smith's after-hours surveillance rounds.

FEAR VANDALISM ATTACKS

The school-sitting resident does not want himself or the school identified for fear both will become objects of vandalism attacks.

After the first year, district officials have pronounced the trailer idea successful, but not a cure-all to vandalism problems. There are no plans to terminate the resident's contract, but funds are not available at the present time for program expansion either, according to a staff evaluation.

The resident is not at the school to apprehend trespassers, but is to immediately report any incidents to the district security office.

For the 64-year-old resident, the arrangement is ideal because he is head custodian at the same campus during daytime hours. He estimates a savings of $150 in living expenses a month. Previously, he rented trailer space in Chula Vista and commuted 30 miles a day to work.

"The second I heard about the plan, I liked the idea," he said in an interview. "I enjoy being around schools," he said. The resident has worked for the San Diego district for 17 years.

CHILDREN ARE NO BOTHER

"The children don't bother us. We just live side by side," he said.

The resident added that he personally has interrupted three or four breakins during his year and has stopped children from running across the roofs and breaking windows. But he claims the greatest value of his campus residency is in crime prevention. He also makes regular reports to the district security office.

"It's been one of the finest vandalism deterrents I know," said the resident, who likened his work to the job of a Highway Patrol officer. "Wh[illegible]ever he's in sight, everyone wears a halo," the resident said.

The terms of the contract entitle the family to live a norm[illegible] although the security office must be informed of any lengthy periods of [illegible].

A district staff report recently concluded, "Whatever damage [illegible] is reported occurs during the day." It cited a decrease in the cases of window breakage and burglary.

In the first five months of this school year, seven cases of broken windows were reported, compared to 23 cases in the entire 1973–74 school year, district figures showed. Likewise, two cases of burglary or theft amounting to $10 have occurred this year, compared to 10 cases at a loss of $816 last year.

[From the Los Angeles Herald-Examiner, July 21, 1975]

1,300 STUDENTS JOIN SCHOOL DRUG PROGRAM

More than 1,300 students in the Los Angeles City schools are participating this summer in an innovative drug prevention program pioneered three years ago at Hollenbeck Junior High School.

During its three years of development at Hollenbeck in East Los Angeles, said Dr. Ruth Rich, head of the school district's health education, a sharp drop in drug incidents occurred at the school, which had "one of the biggest drug problems in the district.

"So we decided to expand the program to other schools this summer."

The program, cofunded by the district at the county's Narcotics Prevention project, consists of counseling with a former drug addict, special interest courses and rap sessions with small groups of students.

"The most important part of the program is trying to involve students in special interest courses like games and crafts," said Virgil Patterson, the program's coordinator at Hollenbeck.

"We have found that these activities help to eliminate the main factor that pushes youngsters into drugs—boredom," he added.

In addition to a narcotics counselor, four teachers and six student assistants work with Patterson in running the program.

According to Hollenbeck's principal, Frank Armc[illegible]lariz, before the program was initiated at the school the drug problem there was consistently bad.

"Three or four kids a day were brought into my office who were high from pills. Students were walking around the halls delirious from drugs, not knowing where they were," Armendariz said.

"Now we go days or weeks without a single incident."

[From the Boston Christian Science Monitor, Oct. 8, 1975]

ONE WAY TO DEAL WITH DRUG CRAVING

(By Robert M. Press)

STOKIE, ILL.—By listening and caring, a group of high-school students here are helping other students to feel better about themselves and thus less tempted to use drugs.

Students are trained to lead weekly "rap" or discussion sessions with other students who have academic or personal problems. Although drugs are not discussed directly, students who attend the session say they frequently come out feeling better about themselves and less inclined to turn to drugs.

At a time of increaed drug abuse by pre-college students, federal education planners see the program as a "good model" to help curb the problem in other schools.

A report issued last week by the National Institute of Drug Abuse (NIDA) shows significant increases over the past several years among 12- to 17-year-olds in the use of marijuana and tobacco. Use of narcotics among high-school seniors has increased, too.

At Niles Township North High School here, in a middle-class, mostly white Chicago suburb, students say drugs are available "if you want them," whether on a bus, in a crowded hall, or at home.

"We've had a lot use marijuana," and the use of alcohol is "rising," says principal Gilbert Weldy. "Our experience is pretty typical of suburban schools," adds Mr. Weldy, a member of the board of the National Association of Secondary School Principals.

But the school's approach toward drugs is not so typical. After failing with "scare tactics" on the dangers of drugs or supplying information about drugs failed to curb the problem, the school, last spring, started a new program with funds from the U.S. Office of Education.

"If someone is using drugs as a "crutch and goes into a group and finds people caring, they could well cut down on nervousness and drugs," says one of this term's student group leaders.

"If you help kids feel good about themselves, school, and life in general, it won't be necessary for them to forget their troubles or get their kicks using drugs," says Lorraine Rubin, staff director of the project.

In answering a questionnaire about the project last spring, participants said the groups had helped them gain friends and learn to talk more easily with others, including their parents.

A number of student group leaders told this newspaper that "pressure" from parents to get good grades and go to college spurred some drug usage. Other reasons included boredom, a pretense at being mature, and a "front" for other problems.

"Adults have a social drink, kids have a social 'joint' [smoke marijuana]," said one girl.

The NIDA report, meanwhile shows:

From 1972 to 1974, the percentage of 12–17 year-olds using marijuana jumped from 14 to 23 percent; among 14–15 year-olds it more than doubled, from 10 to 22 percent.

Nearly half of all high-school seniors have at least tried marijuana and 6 percent use it daily. (About 53 percent of all 18–25 year olds have tried it and 6 percent use it daily.)

The percentage of 12–17 year-olds who smoke cigarettes has jumped from 17 to 25 percent from 1972 to 1974.

Among the same group, use of heroin has increased only slightly, to 1 percent, from 1972 to 1974, but that means about 250,000 youths that age have tried it says the NIDA.

In the past six years, use of amphetamines has increased among high-school seniors threefold, to 13 percent, and fourfold with barbituates, to 16 percent.

In May, the National Council on Alcoholism reported that 1.1 million youth between the ages of 12–17 get drunk at least once a week and that by the 10th grade half the students report they are drinking at night in cars.

[From the Omaha World-Herald, Apr. 20, 1975]

PEER POWER IS PAYING OFF

(By Vicki Krecek)

Two years ago, when the frequent fights would break out in the halls of Omaha's Monroe Junior High School, more kids would quickly gather to cheer. Today there is no cheering. When an occasional fight starts, other kids will step in and break it up.

Although there are no statistics on fights or potential fights, both the kids and the teachers will tell you that the atmosphere is relaxed rather than tense as it was.

There are other statistics, however. Two years ago an average of 40 windows were broken each month. Today one or two windows may be broken in a month. Teacher transfers and other reasons for leaving Monroe dropped from 23 (out of a staff of 63) in 1972–73 to six this year. Monroe Principal Robert Bathke says many teachers withdrew transfer requests when the school "had such a good year." Discipline suspensions dropped from 364 for the 1972–73 year to 205 for 1973–74.

But it is that unmeasureable atmosphere that most teachers are talking about today. The tension caused by fights and physical confrontation of teachers is gone.

"Listen to the quiet," Bathke tells visitors enthusiastically. "Two years ago you couldn't hear the person next to you when students were changing classes. Now you can talk in a normal voice and easily be heard."

The reason is a new program, Positive Peer Culture. Several Omahans in youth-serving agencies first heard of PPC in Michigan, where it had a high ratio of success in dealing with juveniles in detention facilities.

Eugene Skinner, an assistant superintendent in the Omaha Public Schools, became interested and in 1973 went to Rock Island, Ill., to see it in operation in a high school. That spring PPC was budgeted as a pilot program at Monroe with money from the State Commission on Drugs.

This year, PPC staff member Robert Miranda is at Monroe supervising six Monroe teachers who are leading groups. Next year the program will be run entirely by Monroe staff with PPC people acting as consultants.

Two PPC staffers, Kenneth Butts and Larry Van Sickle, started a program at Nathan Hale Junior High last September. It has helped smooth the transition from a predominantly white school to a racially mixed one, according to Skinner. (Black students are being bused to Nathan Hale to achieve integration.)

Nathan Hale's principal, Dr. George Leitner, said: "PPC really is positive. So many things today are either negative or prompt no response at all. This is a leadership training program that helps kids take care of their problems."

Dr. Leitner, in his fourth year as Nathan Hale principal and associated with the Omaha Public Schools for 27 years, said he would give PPC a full year before passing judgment on its success or failure.

"But, at the moment," he said, "we have 44 students in PPC who have received a great deal from the program."

The developer of Positive Peer Culture, Harry Vorrath of Shenandoah, Va., says it is a concept of sharing and caring about others to a point of responsibility.

A former policeman, marine, associate professor and now a social worker in an institution for hard-core delinquents, Vorrath said, "I realized my idea of being a caseworker and helping people wasn't going to do it with these kids. I couldn't do anything. It had to be them."

PPC makes certain assumptions. First, that youths are capable of handling problems and it is their responsibility to do so.

Vorrath often has told students, "It's your generation . . . do you want John, who dropped out of school, ripping you off later?"

Or, if Susan is flunking math, "She might end up as the grocery clerk who gives you the incorrect change."

Second, only kids know what is really happening at the school.

Third, kids acting out negative behavior generally have poor self images. However, they may be motivated into caring for another human.

Vorrath said PPC isn't a sensitivity session. "We are talking about trust levels," he said. "You must work with the premise that man is basically a good human being—he is just bad when he feels badly about himself."

The peer group encourages bringing out problems—confronting one another about behavior.

The result has been better communications between staff and students, according to Monroe's principal, and a positive atmosphere.

Monroe mathematics teacher Bill Reed leads PPC groups during his free periods.

"When we started, the positive leaders were subdued. Further along, the positive kids started pushing the negative kids and they were accepting it. Some had never responded to disciplinary measures. After the group had been going three weeks you couldn't tell who started out negative and who started out positive."

Reed said the group started last year by dealing with its own members. "Now they are working with other kids. They are tackling the most serious members on the absence list and each group member is taking responsibility for one person on that list.

"I can see it working. I think of the kids as adults . . . not 14-year-olds. I am very attached to these people. They have shared things with the group you can't even imagine they would think about.

"When Bob (Miranda) first explained the program to the teachers he said there would be kids who would never listen to you as a teacher. One time I talked to a kid for three hours about fighting and five minutes after he left my office he was in another fight."

Now, according to Reed, other kids will stop him. They don't pressure each other under PPC, but they do challenge the negative behavior.

"PPC is good for the teachers," he said. "It enables the teacher to teach rather than play law-enforcement officer."

An eighth-grade girl at Monroe said, "People were throwing ice cream and stuff and their friends would all laugh. Now they don't laugh. It's hurting someone and it's not funny to hurt someone. You realize this."

Another said: "If a friend is skipping school we go talk to her. I feel it's my duty to help her."

Another student said she used to have problems with her mother. "Now I realize she has her problems, too. We have gotten to know each other."

Another said, "I've hated people. Really hated them. Now I can take a look at why I hated them. Maybe they really have a problem and I care about that and try to help."

According to Miranda, "In our society most problems are handled after the fact. That's the value of PPC. Kids are generally able to deal with problems before anyone is really hurt."

Bathke said that the reaction of students to discipline is much different. "They used to argue, now they are really ashamed. Kids are coming to us if they think there is going to be a problem because they care, and don't want anyone hurt—emotionally or physically."

PPC does not create an adult's image of what a good kid should be. It encourages kids to deal with their own problems but when it is a problem of the school or system, it encourages them to seek solutions for a change.

At Monroe, a group discussed problems of poor student relations. All agreed they did not like some of the things happening between students. One member suggested a student assembly.

Fifteen minutes after the group dismissed, two members were in the assistant principal's office arranging the assembly. The administration is listening and responding.

MONROE JUNIOR HIGH SCHOOL, OMAHA, NEBR.—3-YEAR SURVEY DISCIPLINE SUSPENSIONS

Month	1971-72	1972-73	1973-74
September	17	19	19
October	16	45	[1] 45
November	26	30	23
December	26	22	13
January	39	35	14
February	36	51	6
March	40	37	11
Total	200	239	131
April	30	38	....
May	59	87	....
Total	289	364	....

[1] PPC began Oct. 15, 1973.

PERCENTAGE OF ATTENDANCE BY QUARTER

Year	1st quarter	2d quarter	3d quarter	4th quarter
1961-68	96.8	95.8	85.7	95.7
1968-69	96.7	94.6	94.0	94.1
1969-70	95.7	94.9	94.5	94.4
1970-71	95.8	94.7	94.3	93.8
1971-72	95.4	93.3	93.3	92.9
1972-73	92.8	91.1	91.1	89.5
1973-74	[1] 93.4	89.5	87.8	....

[1] PPC began Oct. 15, 1973.

MONTHLY, AVERAGE DAILY ABSENCE, 1973-74

Sept. 6-28	70
Oct. 1-31	[1] 74.76
Nov. 1-30	83.9
Dec. 3-21	117.5
Jan. 7-31	107.0
Feb. 1-28	[2] 146.3
Mar. 1-28	[2] 126.7
Apr. 1-23	80.2

[1] PPC began Oct. 15, 1973.

[2] Flu season.

WINDOWS BROKEN

Month	1970	1971	1972	1973	1974
January	5	3	13	36	1
February	12	4	25	40	1
March	5	5	6	45	4
April	3	3	7	36	....
May	6	4	6	18	....
June	7	17	15	22	....
July	2	4	17	35	....
August	6	5	5	40	....
September	0	5	17	21	....
October	0	13	15	[1] 14	....
November	2	5	25	5	....
December	3	8	27	7	....

[1] PPC began Oct. 15, 1973.

[From the Christian Science Monitor, September 1975]

PREVENTING VANDALISM

(*A four-part series*)

STUDENT ALIENATION—ROOT OF VIOLENCE

(By Cynthia Parsons)

The boy took the end of the broomstick and thrusting it methodically between the close weave of the iron grill covering the school windows, broke pane after pane. He did this during a lull in an after-school stickball game on the school's playground.

A teacher, leaving the school late after doing some special tutoring, witnessed the apparently wanton destruction and approached the boy.

"Why on earth did you do that? Where is all that broken glass now?"

It was his younger brother the teacher had been tutoring, and while she did not know this older lad well, she had met their mother and was considered "fair." He hesitated a moment then said, "Those are the windows to the locker room."

"Yes, but why on earth did you break them all when the principal just last week got permission for you boys to use the playground after school?"

He didn't answer. He just walked away, taking the broom handle, his fellow players going with him.

The younger brother tried to make his escape, but the teacher was determined to know why—why that boy would break those windows, apparently with no provocation and with nothing whatever to gain.

Finally the brother blurted out, "He wasn't allowed to play baseball 'cause his grades was too low."

While there have always been isolated and scattered acts of violence and vandalism in both public and private schools throughout the world, it is only since the mid-1960s in the United States that both vandalism and deliberate attacks on school personnel have reached "alarming" proportions.

A series of studies on school vandalism have been made by the Industrial Publishing Company's magazine, School Products News. The magazine corroborates the $500-million figure for school vandalism in 1974 given by Sen. Birch Bayh (D) of Indiana during hearings of the Senate subcommittee to investigate juvenile delinquency.

Further, School Product News says the school vandalism dollar is divided in the following manner: some 40 cents attributed to fire damage; 25 cents to glass breakage; 20 cents to other property damage; and 15 cents to theft.

An increasing number of school systems have taken what they call preventative measures such as employing guards (armed as well as unarmed), installing intrusion detectors and alarm systems, replacing glass with vandal-resistant windows, improving fencing and lighting, and placing not only the buildings but equipment under lock and key.

But research studies regarding vandalism and violence, such as the Department of Health, Education, and Welfare study of 1970 entitled "Urban School Crisis," show in general that those who commit acts of violence against school personnel and vandal school buildings are those who have been alienated by the schools in the first place.

It can be compared, perhaps, to what happens when a half-starved and disturbed dog is teased and annoyed. He strikes out in anger, even of the hand offering food and comfort.

What's the solution? Is it in the building of higher fences and placing of armed guards in the schools? And what to do with those children who commit (or are alleged to commit) acts of vandalism? Is it best to remove them from the schools? And if so, who will teach and how will they be socialized so that they want to be productive members of a community?

I talked with three boys who had been convicted of committing acts of vandalism in their local public school. All three were dropouts. All three were from marginally poor families. All three had been kept back at least one grade in school.

All three had gone to school for at least eight years. None of the three counted as a "friend" any teacher or administrator in the school district. Not one of the three had been included on a school athletic team, given a major part in a school play or assembly program, nor had any of the three been encouraged to combine a part-time school-supervised job with classroom learning.

In other words school for them had been a dismal failure, and if they were telling the truth while talking with me, most of the school personnel had gone out of their ways to show their hatred for these unfortunate boys. To hear them tell it, the school deserved all the trouble it got from them.

Of course schoolteachers and administrators have a side of the story to tell as well. And they can cite unruly behavior, rude language, lack of cooperation, and indifference on the part of the students they try to help.

But there are those educators who agree that the major effort in most public junior and senior high schools has been to make all students conform to the school instead of having the school adjust to the needs of the students.

An inner-city Detroit high school, for example, 20 years ago won most of the literary prizes in city contests. Then the neighborhood changed and the children attending the school had either moved north from southern black school systems or from parts of Detroit where the schools had not emphasized reading and writing skills.

The teaching staff did not change immediately, nor were the students given different reading assignments. Slowly but surely, the school lost its top rating of academic excellence yet no remedial reading programs were instituted. While the school ran down an academic hill, school authorities blamed the parents and not themselves. The result was predictable, and a decade later violence, a high dropout rate, and a general exodus of top-quality teachers took place.

For the past 10 or more years, suspension has been the main weapon used by schools to deal with unruly students. Yet, these are the very students who cost taxpayers some $500 million last year in vandalism, and it is a widely known fact that it costs far more to keep a youngster in a penal institution than it does to provide him with a high-school education.

The effort, then, should be to prevent alienation and not to find and punish offenders.

(*Second of a Four-Part Series*)

ALTERNATIVE SCHOOLS—AID TO CURBING VIOLENCE?

(By Cynthia Parsons)

Robert B. Binswanger, adviser to the U.S. Commissioner of Education, has been making a study of United States high schools in an effort to curb violence, vandalism, and dropouts.

He has crisscrossed the nation, read countless reports, interviewed teachers, parents, administrators, students, and discovered in all the diversity there is a single recurring theme.

An alternative to present high school curricula is needed. That is, the usual high school program divided into course, credit hours, departments, ringing bells, and an almost unbridgeable gap between college preparation and vocation training is failing an increasing number of students. And there students are finding it increasingly difficult to become involved after they leave school in worthwhile, socially acceptable, and fulfilling jobs.

Dr. Binswanger explains, "Everyone is looking for something which will offer an alternative—not necessarily an escape, but a good solid alternative. Kicking the kids out of school isn't doing the kids, the schools, or the communities any good. And those schools which try to force the students into compliance are becoming more and more like jails—even those who run such schools agree that's the case."

But what is an alternative junion-senior high school? And how would an alternative help with the problem of violence and vandalism?

A Free School in Minneapolis—totally under public school control—offers an alternative setting for children from kindergarten through grade 12. Grade 7–12 students at the Free School may design, with staff help, their own program of studies.

A boy from an "it's nothing but a stupid slum" home in Minneapolis, who works nights at a restaurant busing dishes, explained why he had come back to high school when the Free School opened.

"I ain't goin' to kid you. I was into trouble. Not much violence (I don't carry no gun just a knife), but I was ripping places off and I caused a little trouble at a couple of schools.

"You may not believe this to look at me, and you probably noticed my limp, but I'm really interested in dance. I mean that really turns me on. Getting your body and your head altogether. That got me off drugs.

"I wasn't into pot much. No funds, but when you dance you gotta let your thought show through your movement and I want people to really cry inside when they see me—really feel something special. You know what I mean?

"And so I get to this Free School and the first thing that director says I gotta go help some dance teacher with some little kids. Then he says I gotta get into a remedial reading class. And he's smart. He says I gotta help the kids learn to read in the lower grades so he gives me some of their books to read. You know. Conning me. But it worked, of course, 'cause I wanted to stay in the school and get all the dance I could."

Asked what he was doing now that he had completed grade 12, he said, "Aw, I can't stay away. I'm there nearly every day helping out around. I might even start taking a language. Wouldn't hurt none."

But the alternative program Dr. Binswanger suggests, which will have the most impact on reducing school violence and vandalism is one that combines some job training with academics.

He cited the example of a high school in rural Iowa which permitted 20 students to take one marking period of 10 weeks and work full time at a job. Four of the 20 not only got jobs, but lived away from home, supervised by a graduate student.

The school chose pupils who were 15–16 years old and who were on the edge of dropping out. It gave them the chance to "make it" on a job as an alternative to sitting in the classroom. One of the 20 dropped out of both job and school, but with the other 19, the gains were immediately noticeable.

Not only did the employers praise the students for steady attendance and jobs well done, but the kids returned to high school determined to get passing grades, finish the 12th grade, and get back into a job with a future.

As Dr. Binswanger notes, not every student needs this type of alternative, but for those who do, the schools are going to have to be more flexible and the community's resources are going to have to be part of the school's offerings.

(*Third of a Four-Part Series*)

INVOLVEMENT: WAY TO KEEP SCHOOLS CALM

(By Cynthia Parsons)

What is the atmosphere at your local school? For example:

Do boys and girls fear being molested or held up for money in the bathrooms?

Do students who drive to school fear they will have motors tampered with, tires slashed, or be forced to give rides to non-friends?

Are teachers worried about being in the building before and after regular school hours?

What about the outer doors? Are they locked while school is in session?

In recently desegregated schools, have school parties, dances, and clubs been cancelled because of a fear of racial conflict?

Are a large number of students coming to school but not attending all their classes?

If the answer is "yes" to one or more of these questions, then your community needs your help to improve the schools.

The following is an actual description of a school located in the inner city; unfortunately it represents a growing number of schools in cities across the United States.

The school, for fifth through eighth graders is located in a predominantly white neighborhood. Half the student body of 1,400 is black and is bused from other parts of the city.

There is no outside playing field area. The metal doors are locked 24 hours a day and during school hours a guard is posted inside the door. Three gun-toting policemen are assigned to the building and stand in the halls when classes change at the end of 40-minute periods.

The toilets are locked and keys must be obtained from the central office.

All students must file from class to class in a prescribed manner within the two-minute period between bells.

The library may not be used by individual students, only by classes on special assignment.

The principal is assigned "temporarily" to the building and has held no meetings with the students to discuss the need for an understanding between races.

Teachers are not asked to talk about how to overcome prejudice, nor are they encouraged to help the students understand why half the students are bused in from another neighborhood.

The principal broadly boasts that there has been "almost no violence or vandalism" from the children.

What a price to pay for no property destruction! Very little real learning takes place in such a school which more resembles a jail than a center for learning.

And while the students attending this school are so heavily supervised and so ruled by fear that they commit few acts of violence in the community, nevertheless the climate is being created for rebellion. Yet another example:

It was in Oakland, California, where the superintendent of schools was murdered with a cyanide-filled bullet while coming out of a school board meeting. And it is in Oakland that most high schools have police patrolling the halls. But fear is not an answer, and at least one organization is advocating a more peaceful solution.

The National Committee for Citizens in Education (NCCE), located in Columbia, Maryland, is making a special effort to do something constructive (and preventative) about school vandalism and violence.

The NCCE argues that the whole community must become involved in creating a climate "where teachers can teach and children can learn." They do not see security guards and vandal-proof windows as the answer. Instead, they want teachers and parents and administrators and students to work out mutually supportive solutions.

The NCCE cites two school security officers, both in very large school systems, who have done much to curb school violence and vandalism by involving the whole community. Joseph Grealy, who this year is president of the National Association of School Security Directors, has done much in Broward County, Florida, to coordinate a program to prevent vandalism.

The same is true of the work done in Prince George's County, Maryland, by Peter Blauvelt, chief security officer for this suburban Washington school district.

Mr. Blauvelt has been particularly successful in getting students to identify school problems and to suggest solutions. He involves the students themselves in security matters, enlisting their support.

Those interested in knowing more about the work of the NCCE or who wish to get its booklet, "Violence in Our Schools," should use the toll-free phone number: 800-NET-WORK, or write NCCE, Suite 410, Wilde Lake Village Green, Columbia, Maryland 21044.

(Last of a Four-Part Series)

HOW A ST. LOUIS SCHOOL WARDS OFF DESTRUCTION

(By Eloise T. Lee)

Educational psychologists have yet to present massive evidence substantiating any of the cherished prevalent theories about who is to blame for the rising tide of school violence and vandalism.

"If the causative factors are not understood, how can a vandalism control program ever be successful?" asks Bernard Greenberg in "School Vandalism: A National Dilemma," a publication of the Stanford Research Institute.

John H. Martin, author of "Juvenile Vandalism, a Study of Its Nature and Prevention," observes, "In New York, vandalism tends to concentrate in parts of town where tensions are greatest among adults." Whether this applies to both cities and suburbs has yet to be determined.

Harold Goldmeier, who wrote "Vandalism: The Effects of Unmanageable Confrontations," in the spring 1974 issue of Adolescence, differentiates between aimless and vindictive vandalism. The latter "is usually committed in retaliation by a party who believes he has been wronged."

Dr. Edward B. Salter, principal of an inner-city school which has largely escaped the violence and vandalism suffered by neighboring schools, believes that "a relevant curriculum, creative teaching, and community support for what the school is doing" afford the best protection a school can have.

Ford Elementary School, of which he is the principal, was built in 1964 in a poor neighborhood on the near north side of St. Louis. Nearby, similar inner-city neighborhoods afforded ample evidence of the costly damage inflicted upon other new public buildings—both schools and housing units—by alienated youngsters. To establish the security of his beautiful, modern plant, Dr. Salter appealed directly to teachers, parents, and students, with gratifying results.

"Good teachers find ways to brighten the school day for their students," Dr. Salter emphasized. "For example, a teacher trained in the Montessori method has been able to reach our primary children and give them a positive orientation toward school.

"Another teacher has her pupils make lifesize silhouettes of themselves on poster paper; then each week she has them add, under their pictures, two or three good things they have done. This reinforces the good things they do and builds their self-respect.

"We also have a group we call the 'neargifted.' Because of cultural deprivation, some of our pupils did not make a score of 125 on the Binet tests which would qualify them as gifted. But we have pulled together enough children from four schools to give them an education encouraging the development of their abilities and talents. With the help of committed teachers, these children have gained two years' learning in one year, which has been reflected on subsequent test scores."

To close the gap between school courses formalized years ago and the "counter-curriculum" of the mass media, Dr. Salter believes strongly that a teacher should be "let go to be creative." He philosophizes," A good teacher doesn't change things for the sake of novelty; she or he changes things in the direction of a more relevant education."

Building community support held high priority when the new school opened. "We thought of Ford as a community school," Dr. Salter explained. "We offered courses at night and had a preschool program then to take care of the students' little children. We offered the kind of subjects that would help our adults build up their employment skills—typing and millinery, for example.

"They could finish their basic education and their High School Equivalency. With cooperation and instructors from Park Forest Community College, we could offer subjects toward junior college graduation. Ford had natural protection with kids all day, recreational and sports programs until 7 p.m., and the evening school, and people liked the way the school could help them.

"Close ties between the parents and the school help children think of the school as an extension of the home. Children don't vandalize their own homes, and they don't vandalize schools that they think of as their own," Dr. Salter maintains.

About the time Ford opened, the stoning of passing fire engines was a problem in the community. Mounting a campaign to stop it, the principal and teachers helped children understand that this destructive practice might delay firemen and interfere with their rescue mission. They showed children how respect for all community service institutions might benefit them, a principle that applied to school as well.

Though many people have concluded that stronger police measures are necessary in neighborhoods like the one Ford serves, Dr. Salter thinks that long-range protection depends upon a realistic look at what goes on inside the schools themselves.

"Much of what we teach is boring to children. We spend a lot of time teaching them what they already know or what they can't see any reason for learning. But if we challenge their interest, that itself is a discipline.

[From the Boston Christian Science Monitor, Apr. 10, 1975]

Preventing Violence, Vandalism in Schools

(By Robert P. Hey)

A U.S. Senate study that paints a grim nationwide picture of school violence and vandalism has brought forth a recommended two-track approach to prevention:

1. Provide more security guards and use better security technology to make school buildings safer for students and teachers, and less prone to vandalism.

2. Devise alternate educational programs for students bored with conventional education or unable to cope with it. The idea is to prevent the frustration and boredom in which students sometimes turn to violence and vandalism, specialists say.

Educators say any child's interest can be captured and held by a skillfully administered educational program geared to his interests, needs, and grade level—provided the child is not handicapped emotionally, mentally, or by special learning disabilities.

These proposals, contained in a Senate bill, are prompted by the study, and sponsored by Indiana's Democratic Sen. Birch Bayh, who is chairman of the Senate Juvenile delinquency subcommittee for which the study was made.

The Bayh proposal would authorize "such funds as may be necessary" from the federal budget to school districts to cope with violence and vandalism in their schools. Thus it runs counter to President Ford's announced determination not to approve additional spending programs this year in order not to add to the mounting federal debt. It is not expected to become law this year.

In any case, hearings on the bill and the underlying study will open in the subcommittee in mid-April. Subcommittee members and the American public will hear that the study, conducted in 757 public school districts over three years, estimates school vandalism cost the United States $500 million nationwide during that time.

In the school districts followed, the study also found:

70,000 physical assaults against teachers and administrators.

Several hundred thousand assaults on students.

Over 100 students murdered.

In north central states, students' use of alcohol and other drugs rose 97 percent between 1970 and 1973.

In the south, assaults on students rose 316 percent during the same three years.

School districts studied include both urban and rural areas.

[From the Guidepost, Oct. 23, 1975]

SCHOOL VANDALISM COSTS AMERICANS $600 MILLION YEARLY

School vandalism costs Americans $600 million each year, "approximately $13 levied on every American public school student for repair and prevention of school property damage," Sen. Birch Bayh (D-Ind.) said. The Senate Subcommittee to Investigate Juvenile Delinquency, headed by Bayh is seeking to find solutions to this problem.

Some school districts have successfully avoided violence and vandalism through alternative education programs that assist students experiencing educational and disciplinary problems. The subcommittee will be exploring increasing abuse of alcohol and drugs by students, and the applicability of new architectural designs that will reduce costs of intentional and accidental destruction of school property.

Other witnesses described parental involvement in schools, students rights and responsibilties, suspensions, expulsions and student codes as a deterrent.

SCHOOL SUSPENSIONS ONLY HINDER STUDENT'S EDUCATION

"The solution to school violence does not lie in more suspensions but less. Its causes are to be found more on the streets, where dropouts, pushouts and suspended students pass the time among delinquent gangs in arms or drug trade," Marian Wright Edelman, director of the Children's Defense Fund (CDF), told Sen. Bayh's Subcommittee. Her testimony was based on CDF's book: School Suspensions: Are They Helping Children? (see GUIDEPOST October 9).

Suspensions only create literacy because they close the door to opportunity. Students will be hindered from finding decent jobs after graduation if their education is cut off. Suspensions need to be replaced with fair, educationally sound and effective disciplinary measures.

"The substantive grounds for suspension must be drastically pruned and punishable offenses redefined so that only situations which pose a direct and serious threat to people or property are causes for temporary exclusion from school.

"School disciplinary rules, policies and procedures and the range of punishments for breaking them, should be made available to students and parents in writing at the beginning of each school term or year.

"Racial discrimination in school discipline policies and practices must be eliminated immediately through local, state, and federal action.

"At the very minimum, schools must provide immediate and adequate due process safeguards for students before they are excluded from school.

"Schools must begin to provide alternative services and educational programs for those who are not benefiting from regular school programs, if they tend to disrupt school life," Edelman said.

CDF is located at 1746 Cambridge St., Cambridge, Mass. 02138.

ED ALTERNATIVES PROPOSED

"Within current laws, provision should be made, if possible, for young people to 'stop out' of school—without it being viewed as defeat or failure, and with the opportunity to return to school without penalty, the president of the National Congress of Parents and Teachers, Carol Kimmel, of Rock Island, Ill., stated.

In some areas an attempt is being made to develop a system of internships or a more liberal arrangement of compulsory school attendance such as the school-work program for young people over 14. Compulsory school attendance laws and child labor laws need revision. Parents need to be well informed that cooperative school-work programs are available to all children with no stigma that these are "dummy" programs. Until parents understand and accept this, it is very difficult for counselors to "out-counsel" parents, she said.

"Parents need to face up early to the facts of drug and alcohol use in the home and the school. Over 500,000 teenagers drink to excess. Parents, students and school personnel need to talk about these problems. Children must be given information about drugs and alcohol but must also be given assistance in developing decision making skills. They must be assisted in making value judgments in order to decide for themselves whether to drink or not, to use drugs or not, to join the gang involved in vandalizing the school or not."

PTA's have funded 18 projects to assist parents and students in making responsible decisions about alcohol.

Parents should work as monitors in school halls. "Many of the parents relate better to other parents and children than do the counselor or principal."

Detail's from National Congress of Parents and Teachers, 700 N. Rush St., Chicago, Ill. 60611.

STUDENTS, PERSONNEL NUMB TO VIOLENCE

Testifying before Sen. Birch Bayh's (D-Ind.) Subcommittee on Juvenile Delinquency, Amy Hittner, a counselor at Woodrow Wilson High School, San Francisco, offered some insights into causes of violence and vandalism in public schools.

"Students and school personnel have become numbed to acts of violence," said Hittner. "Subdued anger, frustration and acquiescence seem to pervade the system." Release from the tensions resulting from these conditions is often sought through aggressive modes of self-expression.

Vandalism is violence directed at the impersonal physical facilities of the school. Hittner stated, "Almost all acts of vandalism occur in the hallways, bathrooms or surrounding campus area. Classrooms, offices, libraries and auditoriums are not targets."

A study done in the San Francisco Unified School District by a team from Stanford University supports this contention. They found that students like their teachers and like coming to school, albeit not necessarily going to class, yet anger and frustration, from whatever source, is focused on destroying the symbol of alienation—the building itself.

Hittner and other witnesses agreed. "In recent years, racial strife has not been the cause of violence. It has become more personalized." Issues ranging from problems with family life to sexuality to social activities are motivations for violence. Incidents involving drugs and gambling are also precipitating causes.

"Many students avoid violence by trusting teachers, counselors and administrators with information," Hittner testified. "This allows non-violent working through the problem." Media violence, lack of credible drug abuse programs and economic realities have also contributed to the feelings of frustration and mistrust which may lead to violent acts.

As one measure to help rectify the existing problems, Hittner advocated more on-the-job training. "Students need to have pride in themselves, to learn that they can cope. On-the-job-training provides this." She gave examples of students who were reluctant to come to school but eagerly participated in a work setting.

Hittner also urged adjunct services be brought into schools to get full cooperation of parents. "Once services are in the school, it is easier to get parents and students to accept them," she explained.

She also suggested alterative forms of schools, a working relation with school psychologists and cooperative arrangements with mental health clinics. "We must be able to separate emotionally disturbed students," she said. "Some special attention should also be given to those from broken homes and those with prior juvenile records."

Hittner also suggested more merging of the boundaries among professionals so there is a closer relationship with psychologists and psychiatrists. She emphasized the importance of maintaining an exchange of ideas and experiences among counselors. "Counselors need to go to more conferences; they need renewal and ongoing education in order to see what is going on."

Hittner explained something that works—an elementary counseling learning team. This team of counselor and learning specialist detected learning disabilities and emotional problems. They used consultants and had several conferences with parents and teachers. Many of the programs started are canceled due to lack of funds. In San Francisco, for example, this program was eliminated because of budget cutbacks; however, the program could easily be rebuilt if funding were resumed. Details are available from Dr. Louis Falik and Dr. William Evariff at the San Francisco State Counseling Department.

Another program that also seems to work is sponsored by the Junior League. It provides career education. In each school a center is established and manned by volunteers and work study students from state colleges. Students come to the center for career information materials or to take vocational interest tests. Details on this program are available from the program coordinator: James Gordon, San Francisco Unified School District, 3135 Van Ness Ave., San Francisco, Calif.

It is good to get students involved and responding to each other with a group leader. "Groups are an important counseling tool," Hittner said. "In groups students get information and feeling from their peers with direction from adults." Trust between students and counselors is the most important element. This involves being honest and open and not giving students mixed messages. "Kids can't accept phoniness. Group counseling should be included as part of the counselor's credentialing," she added. In California it is.

CODE OF STUDENT CONDUCT, ESSENTIAL

Robert E. Phay, professor of public law and government, Institute of Government, University of North Carolina at Chapel Hill told Sen. Bayh's subcommittee that a written code of student conduct is an essential ingredient in reducing and controlling student misconduct. It eliminates the capriciousness in discipline and allows students to understand the consequences of their actions.

The code should state the student's basic constitutional rights in the school—right to speak and express opinions, even if these are unpopular, and list detailed categories of misconduct and appropriate disciplinary action. This is opposed to vague concepts as 'immoral or disreputable conduct.' Misconduct is intentional disruption of school processes, possession of dangerous weapons, intentional destruction of property and willful assault on students or school employees.

The list should omit expulsion for "possession or distribution of 'obscene' materials and long hair on males. In five federal courts of appeals, the prohibition of long hair on males in schools has not been upheld. Adequate rules are extremely difficult to write, because often they stimulate the very conduct they seek to prevent," Phay said.

Types of conduct that will lead to expulsion or less serious punishment than expulsion or suspension should be spelled out. "A code on lesser offenses might prohibit such conduct as intentional damage of property, plagiarizing, hazing, truancy, fights and failure to comply with directions of teachers and principals. Each secondary school should develop its own minor misconduct code and tailor it to the school's needs, although different policies on such matters as truancy or smoking can create problems," Phay warned.

STUDENT BILL OF RIGHTS SUGGESTED

School boards would be unlikely to pass a student bill of rights but, "passage by Congress of a student bill of rights would be effective and dramatic . . . an appropriate way to celebrate the bicentennial, Alan H. Levine of the New York Civil Liberties Union told Sen. Bayh's subcommittee. "If there are peaceful channels through which students may secure change, they may be less likely to pursue violent ones," he said.

While Goss v. Lopez guaranteed students the opportunity to be heard before being punished, it does not affect the school's ability to use its guidance resources. Schools remain free to offer guidance to students who engage in misconduct. A hearing is required only if the student is to be suspended. Hearings will not interfere with the school's power to punish students who engage in violent or disruptive conduct. Hearings will insure that students who are accused of such serious conduct are actually the ones who engaged in it.

Goss does not cover students who are transferred to other schools or placed in special programs or barred from extra curricula activities or denied academic awards, or graduation. Any such substantial punishment or deprivation should entitle a student to a hearing.

Levine declared that corporal punishment is a legalized form of child abuse. "It should be abolished."

Because education is a preparation for citizenship, students should be given their basic constitutional rights: students must be afforded legal protection against arbitrary and unreasonable searches. Students must be guaranteed an opportunity to be heard not only when accused of infractions, but when they have grievances about school policies or personnel. There must be a place in schools where students can voice their complaints, and if reasonable, expect they will be acted upon. If students are given no opportunity to influence what happens in the schools except by disruption, we can be fairly certain that such disruptions will occur.

While the Tinker case gave students legal right to an uncensored press, often the press is still the captive of censorship-minded school principals, Levine explained.

[From the Chicago News, Mar. 21, 1974]

SCHOOL VIOLENCE: CAN WE END IT?

(By Larry S. Finley)

Steven Guy, 14, was one of those "problem" students who was spotted by his teachers, but not soon enough.

Guy was a student at Bartin Elementary School, 7650 S. Wolcott, until the principal, Rudolph Jezek Jr., recommended that Guy be transfered to a special school for children with discipline problems.

Police say that Guy was so enraged by the transfer order that he came back to Barton on Jan. 17 with a pistol in each hand. By the time he was arrested, Jezek was dead on his office floor, and two other staff members were on their way to the hospital.

How many pupils—in the Chicago school system are potential killers? A dozen? 20? 100?

No one is really quite sure.

What is certain is that thousands of students with serious behavioral problems are waiting for help in the classrooms. Not all of them are likely to turn to violence, but some will.

There is a waiting list of "well in excess of 50,000" children who have been recommended for psychological evaluation, according to the board's Bureau of Child Study.

The list continues to grow every week.

"We just can't keep up if we don't have the staff," explained William Canning, bureau director. "We have lost about 25 psychologists in the last two years."

There are 130 psychologists working for the bureau, and Canning says that he should have at least 200 just to catch up.

Of those 50,000 waiting children, Canning estimates that about 30 per cent have serious problems that need special help. Some of them eventually will turn to violence.

"You can't always predict what form their violence will take," Canning said. "But you can predict the children who will have problems—if you get to them in time."

"The children who hit the headlines are invariably children who had problems in the past."

Even if the children are spotted, there is no guarantee that they will be helped effectively unless they receive continued support from the family and from whichever agency they are referred to if they cannot be helped within the school system.

Canning said that sometimes the odds against the child are simply too great.

"Sometimes we try our best, but there simply isn't an agency to take the child, or the home life isn't strong enough. Or there may be a simply nonacceptance by the family that the child has a problem."

Children with suspected mental or physical problems are referred to the bureau, either by their principal or by a parent, for psychological evaluation.

State law requires that the child be tested within 60 days, but in Chicago, children must wait for months, and some are never seen at all.

Canning and other officials agree that the major problem is money. But added to this is the lack of qualified, experienced personnel.

The problem is further complicated by well-meaning politicians, who pass laws that eventually cause more problems.

Legislators and civic leaders complained that children from homes where Spanish is the primary language were at a disadvantage when tested because of the language barrier.

So the law was changed to require that any testing must be done in the language spoken at home. At first blush that sounds all for the good. But putting the law into effect hasn't been so simple.

"We have eight Latin psychologists right now," Canning said. "We also have others who speak Greek, German, Polish and French. We're real short right now in Italian.

"But what do we do when, let's say, an American Indian walks in the door? Do you know how many dialects there are?"

The victims of the politics and the lack of money are the children.

Canning believes that society will be better off if it deals with disturbed children while they still are in school.

"Eventually those children are going to demand attention from society," he said. "We're going to have to give it, either in the schools or the courts or the jails or the mental institutions."

"I keep thinking that all of the Einsteins of tomorrow are in our schools today; but so are all of the felons of tomorrow. We need to help all of them."

Identification of violent children has become easier since Edward Brady, chief of school security, instituted stricter security rules for the schools in the late 1960s.

"Failure to report incidents is at the heart of the trouble," Brady asserts. "Unless you know the scope of the problem you aren't going to solve it."

Brady said that in the past some teachers hesitated to report violence or threat of violence. Now, teachers are required to report such incidents.

In the 1969-70 school year, there were 1,421 attacks or threats against school employes, according to Brady. Between September, 1972, and March of last year, the figure was down to 953.

While the rate of juvenile crime and school violence is rising throughout the rest of the nation, Chicago's measures seem to be working.

But Brady admits that it is impossible to "defend against hit-and-run attacks" such as the Jezek killing.

Criticism of the School Board's special education program spawned the formation of the Co-ordinating Council for Handicapped Children which has lobbied for improved financing and care for students who require help from the special education program.

Mrs. Charlotte DesJardens, co-ordinator of the group, has criticized not only the lack of funding for special education, but the quality of the testing program's results.

"Parents have reported to me time and time again that the testing is very inadequate," Mrs. DesJardens said. "The results often appear to be very erroneous.

"It seems to be true that children of normal or above-average ability have been diagnosed as retarded. The tragedy is that after they are identified as retarded, they begin to identify with the retarded and stop trying."

The Chicago School Board almost had a chance to expand its special education program last year when the Legislature passed a bill that would have provided an extra $10 million for the program.

But Gov. Dan Walker vetoed the bill, along with many others, contending that the state could not afford the package.

However, many legislators believe the bill was killed for political, not economic, considerations.

According to several state legislators, the veto was part of a political deal between Walker's forces and the Chicago Democratic delegation. Democrats loyal to Mayor Richard J Daley agreed not to vote to override Walker's veto of the bill in exchange for Walker's support of a bill creating the Regional Transportation Authority system for the Chicago area.

Because of political horse-trading additional special education will have to wait.

"Of course I was disappointed," said Rep. Robert Juckett R-Park Ridge), sponsor of the bill. "It looks as though we will be coming back with a very similar bill in the next session."

Like Canning, when Juckett talks about the problem of special education, the word "waste" crops up—waste of young minds, young lives, future generations.

"We just don't have the diagnostic staff to ferret out the kids who need special help," he said. "So the kid who needs help sits there in a regular classroom getting worse.

"You're wasting a young child's life. Many times the child is such a problem that the teacher can't teach the rest of the kids.

"This is what we're fighting about. People tell me 'Don't worry. Wait another year.' But you can see the changes that can come over a kid in just one year when he has a problem."

Juckett said he does not believe Walker's contention that the state cannot afford more money for special education. He maintains that it is far less expensive to deal with problems during youth than to wait until they are full blown in adulthood.

But the best tool in finding and treating the disturbed child is still the common sense of a trained teacher or other professional, according to William Simon, director of sociology and anthropology at the Institute for Juvenile Research.

Simon believes that educators are over dependent on testing and should depend more on the human element.

"We have oversold what science can do," Simon said. "The whole history of testing has been an abortion. I would rather trust the intuition of one person who knew the kids than all the tests.

Some teachers, according to Simon, use test scores to avoid personal responsibility or involvement. It's the test that says the student should be put in a special class, not the teacher.

"The teacher doesn't have to run the risk of learning who the student is himself. The kid never becomes a real person to the teacher, and the teacher never becomes a real person.

"Every classroom has sort of a three-part ecology," Simon said. "There are the achievers in front .The obstreperous in the back. And the quiet ones lost in the middle where no one knows your name. They're the ones who really lose out.

"We have to stop telling the public that there is any cheap, mechanical solution. What we need are more good sensitive human beings as teachers.

"These problems can't be bought off on the cheap. No help may be better than what we call help. Sometimes I think we're not the doctors, but the disease."

[From the New York Times, Apr. 17, 1975]

School Violence Splits Educators

(By Nancy Hunter)

The rival heads of the two largest teachers' organizations; clashed at a Senate hearing today over the root causes of and potential solutions to rapidly increasing violence in the nation's public schools.

Albert Shanker, president of the American Federation of Teachers and head of the New York City teachers' union, said that leniency in the courts, delaying tactics by defense attorneys and two decades of literature that portrayed students as "a kind of opposed colonial minority" were responsible for school violence that included 474 assaults on New York teachers in the first five months of this school year.

James A. Harris, president of the National Educational Association, called this approach simplistic. He said that schools were failing in a number of areas, including the stemming of violence, and that problems of this dimension could not rest with the student alone.

'SCHOOLS NOT BLAMELESS'

"Twenty-three per cent of schoolchildren are failing to graduate, and another large segment graduate as functional illiterates. If 23 per cent of anything else failed—23 per cent of the automobiles did not run, 23 per cent of the buildings fell down, 23 per cent of stuffed ham spoiled—we'd look at the producer. The schools, here, are not blameless," he said.

This pointed exchange took place during the opening session of hearings on violence and discipline in the schools held by the Subcommittee on Juvenile Delinquency of the Senate Judiciary Committee.

Last week, the subcommittee issued the results of an 18-month study of violence and vandalism in the public schools. It said that destruction of school property cost localities $500-million a year, the amount spent on school books.

The study, involving 757 school districts, also found that more than 100 murders were committed in the schools each year and at least 70,000 assaults of teachers.

'AN ESCALATING CRISIS'

"The preliminary findings of this report indicate that our schools are embroiled in an escalating crisis of violence and vandalism which seriously threatens to destroy the ability of many of these institutions to educate our children," said Senator Birch Bayh, Democrat of Indiana, who is chairman of the subcommittee.

The hearings, he said, would look at many things—drug use, organized gangs, suspensions and expulsions—to try to sort out why violence had become so prevalent in the schools. Several reasons were advanced.

"The big city school is an arena in which many of the crushing social problems of the city itself intrude and are acted out not only by students themselves but more often by forces that invade the schools, generating problems that have their genesis in the surrounding community," said Dr. Irving Anker, chancellor of the New York City Board of Education.

Of 4,775 incidents reported in the 1973–74 school year, 1,020 were caused by intruders, Dr. Anker said. These incidents ranged from one case of attempted murder, to one incident of streaking. Most cases involved assaults.

Dr. Shanker and Dr. Owen Kiernan, executive secretary of the National Association of Secondary School Principals, criticized the student rights movement as aggravating the school violence.

SHIFTING OF BLAME CITED

"Victims of assaults are reluctant to report them and press charges because of the all-too-prevalent stratagem of shifting blame from the assailant to the victim," Mr. Shanker said.

"Because of the nature of our political system, and particularly the judicial part of the democratic process, very often the rights of the majority get far less attention than do those of the minority accused of abusive actions," said Dr. Kiernan, whose organization's 35,000 members are responsible for 20 million pupils.

Both placed an alternative school setting for disruptive students high on their list of recommendations.

Mr. Harris said that he was opposed to proliferating alternatives to regular school settings as a means of restoring order in the classroom.

He called instead for the creation of a new national bureau that would deal with the problems of youth in schools, such as unjustified explusion and discriminatory uses of standardized tests.

Other witnesses included Osward J. Giulit of the Philadelphia public school system; Manford Byrd, deputy superintendent of schools in Chicago; Dr. Jerry Halverson, associate superintendent of schools in Los Angeles and Joseph I. Grealy, president of the National Association of School Security Directors.

[From the Evansville (Ind.) Press, Mar. 24, 1976]

A Student's Thoughts on Discipline

How often does lack of discipline in the schools interfere with the studies of serious students? "Daily," says a 17-year-old Reitz High School student.

"The biggest problem," she says, "is kids running up and down the halls, yelling. It's mostly during the lunch periods, and toward the end of the day."

Or, she says, horseplay in the classroom takes up time that some students would rather see used to explain what they're supposed to be learning, but how large that problem is depends on the teacher.

"Some teachers are very lax," she says. "They allow a lot of horseplay. It does interfere."

But the outside distractions, the noise in the halls, is the larger problem.

"A lot of kinds object to that," she says. Her sentiments are endorsed by other students consulted, although the magnitude of the problem varies sharply from school to school.

It's a regular complaint at Reitz, almost non-existent at Central. Something of a problem at Bosse, much less at North and Harrison.

The Reitz coed appears to speak for numbers of students who are seldom heard from.

Among the problems are smoking and racial confrontations in girls rest rooms. "The ones (rest rooms) on the first floor seem to be the worst," the Reitz girl says.

How does a student handle such problems? "I rarely use them. I avoid them."

Her answer is the same as those given by girls at Bosse, another school at which such problems are reported.

The Reitz coed admits she has never complained to teachers or administrators about the threat of troubles in certain rest rooms. "I think they're aware of it," she says. I think they're sort of ignoring it."

Many teachers agree, privately.

Some of the same girl's thoughts on the other ills afflicting Evansville schools are instructive:

On drug use: "Alcohol's a bigger problem. Marijuana is the most common (drug used). Maybe a fourth of the students at Reitz smoke pot occasionally. A hard core, I wouldn't guess how many, uses it regularly, maybe daily. It's also a small number that uses other drugs, pills."

On drugs and violence: "Very seldom connected. Just the other day there was a fight It was over a drug sale."

On drugs and discipline: "Not much connection. Marijuana smoking, it's there, but it doesn't interfere (with classes)."

On foul language: "It's kind of bad. I blame the teachers for that. They don't do anything about it."

On lack of discipline: "I think it's mostly the teachers' fault. When they do crack down they tend to overdo it. . . . It's never handled fairly or evenly. It would help if the students had a voice."

[From the Baltimore Sun, Jan. 14, 1975]

Teachers Begin Program on Violence in Schools

(By Mike Bowler)

On a day when city schools were closed in memory of the Rev. Martin Luther King, Jr., a champion of nonviolence, national, state and local teachers' organizations yesterday began a program to combat violence in the schools.

The conference at Calverton Junior High, 1100 Whitmore Avenue, was attended by teacher leaders, politicians and representatives of several agencies dealing with juveniles.

The Maryland State Teachers Association and its Baltimore affiliate, the Public School Teachers Association, announced they had established a 24-hour telephone line for teachers to report violent acts.

The associations pledged money and staff to aid victims of crime and disruption in the schools.

They said they would soon establish a "Commission on Safety in Our Schools" that will include representatives of law enforcement, social services, civic groups and parents and teachers.

The commission will attempt to "develop a cohesive, communitywide approach" to facing the crisis of school violence, according to Karl Boone, PSTA president and chairman of the new commission.

James A. Harris, president of the 1.5 million member National Education Association, said the Baltimore project was one of several around the nation in a new program called "Project Educational Neglect."

Other areas to which the NEA is devoting staff and money, according to Mr. Harris, are Grand Rapids, Mich.; Kanawha County, W. Va.; the Navajo and Pima Indian Reservations in Arizona; migrant worker camps in Arizona; Asian-American schools in San Francisco and the district in Compton, Calif.

SIMILAR PROBLEM

Only the Compton and Baltimore projects concentrate on school violence, the NEA president said.

"Violence in the schools of Compton is a very similar problem to that in Baltimore—a continent away," Mr. Harris said.

Yesterday's elaborately staged press conference and hearing were held at one of Baltimore's troubled junior highs, where teachers have been assaulted in their classrooms and have requested increased security measures.

At least a dozen city and state politicians attended the meeting, as did Governor Mandel's education aide, the director of the city Urban Services Agency, the city comptroller, the head of the city Parent-Teachers Association council and the deputy superintendent for executive matters of city schools.

Most pledged their support for the project, although a few urged that parents become more directly involved.

Fred H. Spigler, Jr., Governor Mandel's education aide, said he hopes some of the $15.5 million in additional aid the Governor will recommend for the city in his January 17 budget message will go to the project.

Delegate Charles Avara (D., 37th Baltimore) said.

"This is the most exciting program I've heard of in the eight years I've been in the General Assembly."

"Hopefully, this project will be the beginning," said state Senator Clarence M. Mitchell (D., 38th Baltimore). "We know what the problems are. We know what the solutions are. Now we have to bring them together."

Elsie Williams, a member of the new Region 7 Advisory Council, said the teachers' groups must approach the problem "on an even par with parents."

"If you can't communicate with me how can you communicate with my child, who is a reflection of me?" she said.

[From the Dunn (N.C.) Dispatch, May 22, 1975]

VANDALISM IN OUR SCHOOLS

Public opinion polls show that different geographical areas can have one thing in common. They can have the same general concern about educational processes, the problem and successes, in their communities.

This is found true because most of those responding through the polls consider discipline, school violence and vandalism as the top problems of their schools.

And there is reason for such concern, according to a special study of the Senate Juvenile Delinquency Subcommittee. A general summary which the study makes on nationwide school vandalism reaches to an estimated $500 million annually. A good example comes in the recent $8,000 damage to class areas of Woodlawn Middle School in our county system.

It is through such preliminary findings that the subcommittee will be probing the wide issue of school disciplines, violence and vandalism through October. Among other things, Sen. Birch Bayh, the subcommittee chairman, says he wants to learn whether strict discipline—classroom repression and school expulsion—help solve the problems or make them worse.

One example of problem solving before the committee is the Riverdale Elementary School of Riverdale, Md., where there almost is no vandalism today as compared to five years ago when vandals did their damage almost every week end.

The school principal says his success in overcoming the problem is a blend of reasoning, individual attention and human love, with discipline used only as a last resort. The approach used by the principal, according to evaluators, has pupils feeling so good about their school that they will protect it.

Subcommittee investigators tend to agree that harsh punishment of school children can be counterproductive. The stressing of kindness, of love and a showing of helpfulness to the students also can go far, according to some evaluations, in unlocking the doors of learning for many youngsters.

It is pointed out that Dr Harold C. Lyon, head of the federal government's Office of Gifted and Talented Children, once surveyed successful Americans to see if it could be determined what factors contributed to their success. One thread ran throughout, he found: in every person's case, during childhood some adult had stepped out of his formal role, as teacher for example, and had known and related to the child as a friend. This special attention, Dr. Lyon believes, is a key to successful teaching.

Whether this is the major key must await other information as the probe continues in Washington. The one thing for certain now is that violence and vandalism are costing the nation's education system heavily.

[From the New York Times, Oct. 3, 1973]

Vandalism Is Linked to Design of Schools

(By Evan Jenkins)

Montreal, October 2.—A sociologist said here today that much of what is called school vandalism is the product less of malice among children than of failure among adults to desing schools properly and understand how young people use them.

One result of the failure, he said, is a burgeoning antivandalism industry—"everything from burglar alarm systems to break-proof glazing material"—whose profits stem partly from money that school districts should not have to spend.

The sociologist, John Zeisal, a professor of the sociology of design in the Architecture Department of Harvard University's Graduate School of Design, represents a relatively new academic field that has come to be called "man-environment relations."

He was in Montreal for a four-day conference of the Council of Educational Facility Planners, International, consisting of architects, school administrators and industry representatives.

In a conversation and later during a slide presentation for a conference panel, Dr. Zeisal, 29 years old, acknowledged that malicious school vandalism was a fact of life and a costly one.

But he said that as a rough guess based on his studies so far of school property damage, more than half the multi-million-dollar yearly cost stemmed from nonmalicious, often avoidable causes.

A problem, he said, is that school officials tend to lump the damage into one broad bookkeeping category. He added that if the solution was simply to "build fences," rather than to plan better and to take into account the needs and quirks of the young, then "perhaps at a certain point the costs of prevention will exceed the cost of the vandalism itself."

Dr. Zeisal and his staff have been working with the Boston Public Facilities Department for about a year, identifying what he describes as invitations to damage in schools in Boston and elsewhere along the East Coast.

Under matching $17,500 grants from the Boston department and Educational Facilities Laboratories of New York, the study will be expanded nationwide in the coming year and an effort will be made to find and disseminate information about constructive responses to the problem.

Among examples of poor planning leading almost inevitably to damage under a broad label of "vandalism," Dr. Zeisal cited a school where a clock was placed immediately under a basketball backboard (and quickly broken) and an outdoor basketball court where the flow of play headed toward a glass wall at one end and glass doors at the other.

Under the heading "nonmalicious damage" the sociologist listed such "inventive design by the kids themselves" as drawing a street hockey goal or a stickball strike zone on a school wall in what the school's planners should have seen would be a natural informal play area.

"The kids know people will think such things are vandalism, but they don't do them for a destructive purpose, they do them to fill a need," Dr. Zeisal said. "Instead of saying, 'Aha, vandalism!' about a street hockey goal, and spending money to take it off, why not include it in the design in the first place?"

Applying the legal concept of the "attractive nuisance" to school facilities, he suggested that easily breakable objects be kept away from areas likely to become gathering places.

"In the country, kids throw rocks at trees because they're natural targets and nobody says it's vandalism," Dr. Zeisal said. "In the city, if you hang a light bulb 20 feet off the ground in an area that isn't too visible from outside, that's a natural target too."

[From the Garden City (N.Y.) Newsday, June 23, 1975]

VIOLENCE IN THE SCHOOLS—HOW TO FIGHT BACK

(By J. William Rioux)

We are advocates of children and those who nurture them and support them in their growing-up time. We have been a part of efforts to have the rights of children increasingly clarified, such as in the Supreme Court case which decided that students are entitled to due process before suspension.

We also recognize the hard reality that the activities of some students threaten the physical safety and learning atmosphere for others; in such cases we all must take the position that firm, reasonable action is required to control the situation first and then assist the students involved. We hope that there will come a time soon when we can spend more time, energy and money understanding and preventing some of the behavior that leads to the need for this kind of article.

We are describing the behavior of some students and adults which seriously interferes with the education of children. That may cause some of us to forget that the best estimates we have indicate that a minority (probably no more than 10 percent) of the school population is felt to be responsible for the violence and vandalisms now recorded in schools. Remember the 90 percent and the ways they can help, and also remember there are ways in which many of those in the 10 percent can be helped to change.

There is great disagreement about the causes and the long-term solutions to school violence, but these are beyond the scope of this article. We outline what you can do now to make the school in your neighborhood a safer place for children, a place where teachers can teach and children can learn.

If you believe there is a real cause for concern, start talking over the situation with other parents, neighbors and teachers. If you a member of a local parent organization or a service organization, mention your concern about school violence at the next meeting.

Let your principal know what your group has in mind and seek his or her cooperation. Administrators often welcome citizen participation on school security because it relieves some of the pressure of responsibility and allows them to give more attention to educational matters.

Once your group has a rough idea of the degree of security the community will support and has gathered some background information, you can begin planning a school security system that works. The plan will involve many people, training programs, possibly changes in the school building and grounds, and in school policy.

Whatever the plan, it must be based on what the community will support. When you are ready to start planning, it is time to bring additional people into the picture. These will include, at the very least, administrators, teachers, other school personnel such as counselors, custodians, and security people, as well as students and the police.

Teachers are highly important to the plan. Their attitudes toward students are crucial. By participating in such nonclassroom activities as hall and lunchroom supervision, extracurricular activities or even tying kindergartners' shoelaces, they fulfill their role as leaders and as models for their students.

When they withdraw from this kind of student contact—sometimes because of professionalism and sometimes because of simple fear—teachers not only lose their effectiveness in school security but lessen the chance of making the school a friendly place for students. Most authorities agree that teachers are the best resource for influencing students' behavior.

Students must also become involved in ways appropriate to their age. Some school security programs use student monitors. The monitors may get a hard time from their fellow students unless their fellow students agree they have legitimate authority. Even then, the duties of student monitors must be clearly spelled out, and monitors must be trained to understand their attitudes toward their fellow students as well as how to handle specific problems. In no case should monitors ever be allowed to use force.

School buildings themselves are sometimes a part of the problem, so a representative of the custodial staff should help in planning for security. Custodians know the physical areas, particularly hiding places, where trouble is likely to occur, and they have good ideas about how to make a building safer and more congenial. Custodians often have the best idea of what is really going on and what the mood of the student is.

If a school system already has security personnel, a representative should certainly be brought into the planning. If security personnel are to be hired, their selection and training is very important. School security personnel can either be like prison guards, patrolling the halls looking for trouble, or they can serve as sensitive people who exercise good judgment in enforcing agreed-upon rules and regulations.

Finally, the police must be included in child-safety planning. Police protection can range from armed officers in the halls to a telephone hotline in the principal's office. The level of police participation should be based on a cooperative decision between the police and the school community. The limits of police authority within the school must be strictly defined.

Policies regarding discipline and the atmosphere it produces are a major factor in overall security. Living with such rules as silence in the halls or between classes, students may become powder kegs, ready to explode. Regulations on where to smoke, how to spend nonclass time and with whom to eat must be examined and realistically evaluated. If the number of "musts" is minimal, it is more likely that students will observe them.

The type of discipline used should be carefully considered to see if it works and if it is suitable. Corporal punishment is still used in many American schools, and citizens planning a security program must consider its effects on students. What does it do to a student's self-image? To his or her respect for school personnel? To his or her view of authority? And does it accomplish what it seeks to accomplish?

Policies on suspension and expulsion must also be carefully considered and in some cases updated. A school must have disciplinary powers but these must not be abused. The U.S. Supreme Court ruled recently that schools cannot suspend or expel students arbitrarily but must give them the protection of due process—the right to be informed of the charges and to answer them.

Suspension should be used only in very serious cases. Students who are suspended are often those who have trouble learning, and suspension is likely to make their problems worse.

One expert has concluded that, "There is no evidence that shows that corporal punishment, suspension or exclusion, does much more than intensify the problem . . . There have been no concrete positive results even in cities which have laws punishing parents for the acts of their delinquent children."

The problem of increasing violence in our public schools is one of the most difficult matters to face education in recent years. Parents teaming up with educators have in the past solved or modified serious problems affecting the education of children. Parents direct energy, wisdom and determination to the problems affecting their children. Educators can utilize the results of their training and experience in developing plans to better address the problem of violence in schools. Working together parents and educators provide the hope that improvements and solutions will be realized.

[From Today's Education, December 1975]

WHAT CAN WE DO ABOUT VIOLENCE

(By Willard McGuire)

I believe that we teachers must begin to deal more actively with violence in the schools even though we may not yet have the answers.

The situation in too many of our schools resembles a series of guerrilla wars. Some students battle for dignity and respect. Some commit violence just for the sake of violence. Some are resorting to alcohol, drugs, or suicide attempts.

Recently, Senator Birch Bayh's Subcommittee to Investigate Juvenile Delinquency surveyed 757 school districts enrolling about half the nation's schoolchildren. These districts reported that 100 students were murdered on school grounds in 1973. Estimates derived from recent NEA Teacher Opinion Polls indicate that 50,000–60,000 teachers are physically assaulted every school year.

Also, 30 percent of secondary teachers surveyed by NEA reported that they knew of hard drug use by students in their schools. In another study, done for the National Highway Traffic Safety Administration, 45 percent of high school students said that they drink at least once a week and about 60 percent of the students who drink said they were drunk at least once in the month preceding the survey.

School burglary and vandalism are also terrible problems. A few years ago, NEA said that the nation spends twice as much on pet food as it does on text books. Now we talk about spending more on school vandalism than on textbooks.

Is it any wonder that students and teachers are afraid! Teachers' fear is worsened by the increasing peer group support which disruptive students receive. In the past, erring students received little or no peer group support. Now, many students support or appear to condone them. I believe this support is one of the major aspects of student behavior that we must learn to cope with.

We teachers have always lived by our wits, and being able to sense the right time to act has always marked a good professional. He or she knows how many times to halve or quarter apples on the blackboard before teaching about fractions.

Being able to sense the right time to act also marks those of us who can survive in today's violence-prone classroom. In addition to knowing when to act, we also need to know *how* to act in order to reduce or eliminate prblems rather than to aggravate them.

Too often, our answer is to remain quiet. This helps us to survive, but it doesn't stop the violence. As a result of this survival mechanism, we are dishonest—not for personal gain, but for survival. (Students, principals, superintendents, board members, and the community are also guilty of dishonesty.)

We are dishonest with principals, "I didn't see anything," we say, or, "No, I didn't hear a scuffle outside my room," which means I don't want a smashed desk or car or head. Or, "I don't want a lecture about 'If you did a better job teaching, these things wouldn't happen in your classroom.'" We learn this very quickly.

Principals, on their level, do the same thing that we do: They lie. Unless they do, the superintendent asks, "What's the matter? Aren't you able to control things in your building?"

The superintendent, in turn, lies to the school board, or his ability to control things is in question. And the school board lies to the community.

The community concludes that the schools aren't exercising their power properly and that their kids can't read. Parents start telling their children, "You don't have to listen to that teacher." So six-year-old kids, sensing that no one is going to stop them, feel okay about cursing a teacher. Fifth graders throw pies in teachers' faces. Tenth graders sell drugs in the lavatories. Eleventh graders form gangs so powerful, and often so brutal, that the school has to invest in special buses to transport students across their turf.

All this begins because individuals at each level are afraid they will be deserted in a difficult situation by peers or superiors in the system. It isn't a case of the teacher or the principal or the superintendent who has lost control. We all have—including the parents.

Violence will not be stopped with more violence. So, what do we do? For what they may be worth, here are a few of my suggestions.

We must start telling the truth about the problem. We can't make other people tell the truth, but if we start doing so, we will make a lot of people more honest. We shouldn't wait for it to start somewhere else. We teachers must lead the way. Let us take it upon ourselves to provide the example the students so badly need by telling it like it is.

We need security from intruders in many school buildings. Both teachers and students need to be protected against the outsiders who come into the school and do violence. If the parade of winos, perverts, and thugs who daily enter our schools and cause trouble were to descend instead on a large downtown office building, I feel certain there would be speedy action to remove them and steps taken to prevent their ever returning. Why can't our schools, our teachers, and our students be equally well protected? We wouldn't eliminate violence, but we would reduce it and narrow the field of combat.

Something must be done about students who are engaging in serious criminal offenses. No English teacher should have to rehabilitate heroin pushers. That should be a matter for the police and for another system besides the school system. We should define a reasonable range of problems which teachers can or should be able to deal with ; we ought not to be expected to solve every problem. We must insist on proper action by other community agencies.

We need to eliminate violence against students as a teaching technique or control device. We need to stop the violence caused by many testing programs and by any routine practices which we all know are no longer valid. Instead of lamenting everyone else's behavior, let's work on our own. If we can improve what we do, we will have some basis for pushing others.

We should encourage, design, and support experimental programs, alternative and other nontraditional approaches to educating students who are bored or unmoved by traditional approaches. (One thing we know for certain about any educational approach: The pupil-teacher ratio must be low. In some places, the powers that be give us 40 to 45 pupils and then wonder why there are problems.)

I'm also becoming more convinced that we should work to establish preservice and in-service courses in how to handle the aggression (and other disruptive behavior) that we face. If we were well-prepared to deal with it, we would feel more secure, less threatened, and more adept at defusing potentially explosive situations.

These are some of my thoughts. They are not special or unique, but I want us to face the problem of violence squarely and begin to deal with it. I have little confidence that anyone else will do it for us. I have every confidence we can accomplish much if we all work together.

(From The American School Board Journal, January, 1975)

Violence in the schools: Everybody has solutions, and on the next ten pages, everybody offers them

Here's another article on crime and violence in the schools. Clip it out, put it in your "crime/violence" file, vote to buy more burglar alarms, and move on to the next order of business.

Yes, we are overplaying it a bit, because you doubtless are not that blasé about school crime and violence — yet. But the burdening volume of words and the weight of prose being written on the topic in daily newspapers and education magazines does have a way of anesthetizing one's outrage. Wishing not to contribute to the information overload with yet another "look at the problem" and its statistical backwash, JOURNAL editors have, in effect, turned over the following pages of this special section to the people who face school violence on a workaday, everyday level. In the next several pages, you'll be reading what school board members, students, parents, superintendents, teachers and principals say and feel about the violence of American schools. Because this is a lead-in to that section, however, we are going to indulge in some statistical stage-setting in the form of those five Ws which, journalism professors teach, every lead should answer.

Who? Children. One-half of all serious crime in this country is committed by children under 18 and those kids account for 26 percent of the estimated nine million arrests made in one year. A giant jump in crime by youngsters is occurring at the junior high school age level and, in some areas of the country, many seven-and eight-year-olds are committing assaults, robberies, and even murders. The problem is one of all age levels and of both sexes — crime among teenage girls (up 388 percent during the 1960s) is growing at almost twice the rate as that for teenage boys (up 200 percent).

What? Crime and violence. The cost to children who commit the acts of violence and to their victims is ferocious. In dollars, the cost of school crime and violence approaches $500 million annually. School vandalism alone (more acts of vandalism are committed against schools than against any other institution or in any other place in society) costs taxpayers approximately $100 million each year. The leading school crimes are theft, vandalism, assaults, and the illicit use of drugs, including, of course, America's most debilitating drug — alcohol. Assaults on teachers have increased by 7,000 percent in the last decade, crimes against students by 3,000 percent during the same time. And this tab of destruction would run even higher, if crime reporting were more accurate and if the estimated 13 percent of school accidents caused by aggressive behavior were included in the statistics.

Where? Everywhere. One California study indicates that districts having the greatest problem with school crime and violence are those with a multiracial student population (and that means *multi*racial, not black; districts with predominantly black student populations generally have less of a crime/violence problem) located in a community that is "low" on the socioeconomic scale. But few school officials feel either safe or smug about school violence, even if they are located in high-class suburbs (where students routinely "trash" equipment or roam in destruction-bent gangs that have their own lawyer on call) or in isolated rural areas, where school-sponsored agriculture projects have been canceled because vandalism there includes killing animals.

When? Around the clock. That means during class, when teachers have been assaulted and students robbed, and after class, when teachers have been raped and schools have been burglarized.

Why? Yes, why? One answer could be that violence is the most American of traditions — from frontier days when both Indians and forests were cut down with equal dispatch and for similar reasons (they were in the way) to the recent assassinations of political figures and the American war atrocities in Vietnam. And one mustn't forget the mightiest mass course in violence ever offered: American television. Those who believe that violence is caused by frustration point accusing fingers at the arbitrary rules and irrelevant teaching in public schools.

Even this quick breeze through school crime statistics can cause chills. Yet, statistics have a way of not telling the real story. The story of children who fear school not for the reasons we may have feared school (missed assignments and hollering teachers) but for reasons that more legitimately belong on some battlefield. Statistics don't count the number of grade school children who must learn a new type of bladder control because they know that to use school toilets is to be subjected to shakedowns and assaults from prepubescent punks.

As bad as the current situation is, the dozens of school people (and that definition includes parents and students) interviewed by JOURNAL editors in connection with this special report have lost neither enthusiasm nor optimism for public schools. Because of these people, the cover of this issue carries a visual conceptualization that is a sort of prediction, one might say, for the future of public schools: pleasant and peaceful.

How school people elect to reduce violence

We're not saying that our mailman aggravated his hernia by hauling around the replies to the JOURNAL's November *Ballot Box*, but we did receive a heavier-than-expected response. The *Ballot Box* (a new feature polling the opinions of school leaders; see page 22 for this month's voting) in November asked readers to tell us how they would "solve" the problem of crime and violence in the schools if they were given complete authority over the public school system. Readers could offer their own solutions or choose from among five listed in November's *Ballot Box*. Here, in descending order of popularity, is how you voted on those five "solutions":

Solution: Make discipline stricter; use corporal punishment; expel troublemaking students. Edging out its closest competitor by three percentage points, this "solution" garnered 28 percent of the votes cast. More school board members voted for this alternative (29 percent of all board members voting in November's *Ballot Box*) than for any other offered. Several readers suggested combining this answer with an end to compulsory attendance laws. The John Birch Society offered additional remedies: remove nonlearners and troublemakers from the classroom, limit freedom of the press for student publications, remove courses in black history from curriculum, crack down harder on drug abuse, reduce welfare benefits, fire teachers who espouse far-out ideas, and return to "natural," rather than legalized, racial integration of the schools.

Solution: Because student behavior is a reflection of our violent times and because school people are doing the best job they can, make no sweeping policy changes. This alternative received 25 percent of all the votes. Ned Hopkins, assistant to Albert Shanker, president of the American Federation of Teachers (see page 23), voted in favor of this solution, as did a plurality (34 percent) of all the superintendents responding to the November *Ballot Box*. Harold V. Webb, executive director of the National School Boards Association, expressed support for this solution "with some reservations." By and large, Webb said, "school people are exhausting themselves trying to cope with the problem of violence in schools. It may indeed become necessary to enact some sweeping policy changes in the future, but I'd rather be on the side of those who go about this cautiously and thoughtfully. The absolutely worst time for school board policy to be fashioned is when pressure is being applied. Understandably, right now there is great pressure from parents and community leaders on school boards to 'do something' about tightening up discipline in the schools. School boards can't and shouldn't ignore this pressure, but their response must reflect thoughtful solutions, not merely an effort to escape heat."

Especially worried by Webb is "the notion that arbitrarily expelling a child solves something. The school merely deprives itself of fulfilling its reason for being — to serve the child. And, much worse, the child is deprived of his most potent opportunity to make something of his life —education." Difficult as it may be, Webb said, "schools can't simply turn their backs on children who are discipline problems. The evidence is clear," he asserted, "that few children are beyond reach if schools are patient and persistent and, above all, if they apply creative and appealing programs in their curricular approach."

Who voted for what

The statistics: 52 percent of all votes cast on the questions discussed in the accompanying story came from school board members, 38 percent from superintendents, and the remaining 10 percent from principals and teachers and readers who did not identify themselves.

Board members: 29 percent voted for the "stricter discipline solution"; 24 percent voted for "no sweeping policy changes, because school officials are doing the best they can"; and the "no compulsory education" and "more compassion toward students" solutions both received 21 percent of the school board member vote. The remaining 5 percent offered personal solutions. No board members voted for the "media-manufactured" alternative.

Superintendents: 34 percent voted for "no sweeping policy changes, because school officials are doing the best they can"; 24 percent voted for "stricter discipline"; 16 percent voted for "more compassion toward students"; 14 percent voted for "no compulsory education"; 8 percent said that the school crime crisis is "manufactured by journalists"; and the remaining 4 percent offered their own solutions.

A Michigan school board member who also is chairman of his community's task force on vandalism voted in favor of the proposition that no sweeping policy changes are indicated for the schools, but added that he didn't agree that school people are doing "the best job they can."

Solution: Treat children with compassion; use a minimum of arbitrary rules; outlaw corporal punishment; give student government more authority; allow students more freedom. This alternative ranked third with 20 percent of the vote. The Association for Childhood Education International (ACEI), while agreeing that school violence is a manifestation of the aggressiveness that pervades our society, suggested that schools can curtail conflicts that cause violence by helping children obtain a sense of success in whatever endeavor they undertake, encouraging children to believe in themselves, and fostering cooperation, concern, thoughtfulness and sympathy in everything that occurs in the daily classroom routine. Many of the supporters of this proposition wavered, however, suggesting that parts of it be combined with parts of other solutions. Typical of these voters was David Hoffman, guidance counselor from York, Penn., who agreed that censorship should be abolished, but added stipulations: "Let students print what they want to, but since their publications come from the school, I don't think we ought to let them use four-letter words in their newspapers." Eugene Gibbons, a principal in a Chicago suburb, said that "this solution offers the best hope for minimizing the psychological conditions which may lead to violence in both the affluent suburbs and the inner city, although there are many other things that can be done to reduce the problem in both environments — it would take a book to go into them."

Solution: End compulsory education — do not force children over the age of 14 to attend school. This one collected 17 percent of the total vote.

Solution: Because the "school crime crisis" is manufactured by journalists, the problem is with newspapers and magazines — not the schools. Clearly a loser, this choice received only five percent of the vote.

The remaining five percent of the total vote was from readers who either protested the JOURNAL's "canned" or "ridiculous" alternatives by refusing to vote or who offered their own solutions. In that latter category is Paul B. Salmon, executive director of the American Association of School Administrators, who suggests that state legislatures provide funds to permit administrators to develop alternative programs of education for students who are chronic offenders when it comes to vandalism and violence. Such programs should be designed so that these children will have an opportunity to gain an education in order to become responsible and productive members of society, he says.

"Of course," Salmon emphasizes, "this is not to endorse, much less imply, that all problems can be solved through such alternative programs. AASA believes that the appropriate law should be applied in those cases where it can be demonstrated that there is clear and convincing evidence that allowing a student or another person to remain in a school building could result in jeopardizing the health and safety of pupils and staff."

Eugene Lacy, school board member from New Castle, Ind., offers: "In my opinion none of your 'canned' answers is the proper solution to the problem of discipline and violence in the schools. The ideal solution would appear to be one that retains a student in a learning situation as long as possible without penalizing the majority of students who desire an education and who behave themselves as expected. I would create alternative educational units for the student who cannot (and this is the problem in many instances) or will not conform to the conventional classroom. This would be done at all levels, K-12."

Clarence Bozeman, acting director of education for the National Urban League, Inc., suggests that "school violence is a by-product of racism in our society. Educators, politicians, and legal scholars have insisted that young students carry a social responsibility that is not evident in our society. Integration, equal educational opportunity and justice are not evident in our society as far as minorities are concerned. The friction and uneasiness between black and white students is caused by inadequate preparation to deal with race and racism.

"The educational system must begin to devise programs, seminars and conferences for parents, teachers and students. These programs should be ongoing and consistent, and should deal with cultural and ethnic groups and their history. Problems and difficulties relating to the community should be discussed. Objectives and goals for these programs should be consistent with equal educational opportunity for minorities. These programs should begin when children are in kindergarten and continue during high school."

Hire stricter teachers, say parents

To the parents interviewed for this special report, the "solution" to school violence is clear: Teachers must maintain more effective classroom discipline. Because relatively few parents bring complaints about school violence to district-level school officials (most problems are dealt with through teacher and principal), many parents see the school board's and superintendent's responsibility in this matter primarily as one of hiring teachers who can enforce tougher classroom discipline.

In this sense, these parents are agreeing with a 1969 Gallup Poll in which only two percent of the respondents thought school discipline to be too strict: 45 percent said it was not strict enough. (In five of the six Gallup Polls conducted since 1969, parents have rated school discipline or student behavior as the number one problem facing public schools.)

One mother told the JOURNAL: "I don't get too upset now when my daughter in junior high tells me about one of her friends winning two or three dollars in a card game held during English class. I've had two other children go through that school, and I'm getting accustomed to their horror stories. But you should have seen me blow up when I heard my first boy tell me about the stuff that went on during school."

Fact is, parents do "blow up" over discipline problems, especially when their children are the victims of an act of violence or a theft. One recurring theme from these angry parents is that a few student troublemakers are responsible for most of a school's discipline problems.

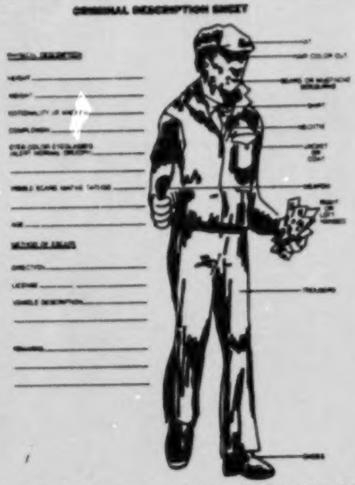
"The principal should make it his responsibility to find the ringleaders and reach them somehow," one mother of two insisted. "And if the leaders can't be dealt with, they should be separated from the other students. I think we need more trade and vocational schools, so something meaningful can be offered students who can't get along in the regular classes."

When asked for "solutions" that go beyond the general response about "better classroom discipline," most parents again directed their attention to teachers. "More male teachers," said some parents. Others insisted that experienced teachers should be paid enough to attract them to teaching jobs in "tough" schools.

Lois Stalvey, a parent who's been active in the Philadelphia school system, says: "Schools should screen out punishment-oriented teachers, because when children who've been abused in school grow older, they retaliate."

Stalvey also insists that teachers must make a greater personal commitment to the schools in which they teach.

Claiming that half of Philadelphia's teachers live in the city's suburbs, Stalvey says that schools should implement a policy under which teachers must, as a basis of employment, enroll their children in the district's schools.



Landmarks on bad guys: This page from a booklet published by the U.F.T. helps victims recall vital details about classroom assailants and intruders.

Teachers, plainly scared, believe attitudes must be reshaped

Teachers are the ones to take it on the chin, or worse, as far as being human objects of violence in schools is concerned. They form the front lines of flesh and blood resistance to the increasing number of physical assaults perpetrated by students and others.

Dealing with the problem of physical violence from a purely defensive point of view is the United Federation of Teachers (U.F.T.), the New York City-based union known technically as Local 2 of the American Federation of Teachers. In a booklet titled *Security in the Schools*, the U.F.T. reflects what probably constitutes the typical stance of inner-city teachers toward their daily tasks as far as their personal security is concerned. Among the practical pointers contained in the booklet are urgings never to arrive more than 30 minutes before classes are scheduled to begin. Similarly, teachers are advised "not to return to their classrooms — or to stay in school buildings — after classes have been dismissed . . . . . Following the herd instinct is a useful precaution." As for handling direct attacks, the booklet spells out specific steps to be taken by the victim, and advises teachers of their rights to press charges under the law. Prevention, as far as the U.F.T. publication interprets it, appears to be more a matter for administrators to handle, because the booklet devotes virtually half of its contents to informing teachers of what their union contract has to say about safety plans in schools and the responsibilities that the board of education, superintendent, and principals are supposed to assume for providing security measures within a school building.

Margaret Hayes, retired teacher and principal living in Chicago, candidly concedes that she'd "probably have a stroke" if she went back to teaching today. Her years in the profession were not spent with one eye fixed on the classroom door for signs of intruders because "we didn't have any violence and we didn't need security guards. Certainly we had discipline problems, but not violence."

What Margaret Hayes suggests school officials and teachers do today is to come to positive grips with the complexity of the problem. The community, in her opinion, represents the heart of the dilemma. Says she: "Neighborhood deterioration — why, the neighborhoods today look like battlegrounds, what with property damage, changes in structures of family life, working mothers, mobility of people, rapid turnover in the ethnic and racial makeup of schools. All of these things have happened quickly, too quickly, and the schools haven't had a chance to absorb these changes and adjust to them. That's why there's so much disruption in the schools, because classrooms are the first place that children vent their hostilities and confusions. We must understand the psychology of these changes in our society so that we incorporate this knowledge into our teaching approaches on all levels."

Another retired teacher, Helen Kissinger from Wisconsin, ran the gamut in her career, having taught in rural, suburban and city schools. She has watched the behavior problem worsen dramatically during the latter Sixties and Seventies. Her analysis and prescription for the situation: "Children reflect the unrest, confusion and disorder of our throwaway society. . . . . Children can't help but assimilate the common attitude that is subtly and not so subtly manifested in our culture, namely, that they, too, are throwaway items." In her view, until people, especially children, are genuinely valued, and until the environment is considered more than something to be ravaged for gain, she sees "little hope for a solution to the problem of vandalism in the schools."

Maybe youthful teachers are more in touch with how to handle classroom disruptions than are their seasoned or middle-aged counterparts who work in the ranks. One such individual, 25-year-old Jerry Kaminski of Chicago, contends that students must learn self-reliance. He also strives to help students attain a degree of happiness — "happiness with themselves and with what they're doing. This way," says Kaminski, "they can't blame anyone but themselves for what goes wrong. Eliminating compulsory age requirements would serve to help youngsters find happiness. Let them out in the world to find out how tough it is to make a living; then they'd find out that happiness is having an education. I've been labeled a radical for this kind of thinking, but I feel it works. Developing good attitudes in my students instead of just filling their heads with details is what's most important to me, and I think I'm making progress with this approach."

Violence/vandalism problems in many parochial schools are virtually nil, and church-related schools therefore deserve some scrutiny by public school officials. As a teacher in a Roman Catholic high school for boys near Chicago analyzes it, there are few disruptive incidents in his classes for several reasons, not the least of which is the fact that tuition is $1,000 a year, and "parents won't tolerate their kids fooling around when it costs that much, over and above local property taxes, to educate their children." He also believes that the Irish-Italian Catholic family heritage plays an important role in minimizing violence and vandalism. His chief concern: Boys drink too much beer.

Fed's answer: New laws aimed at preventing *juvenile crime*

Laws are supposed to help us govern ourselves, assisting us in making our society more orderly and, it is assumed, safer, although our elected representatives in Congress and in statehouses across the nation take what seems like an agonizingly long time to devise those laws. But often the wait is worth it.

Pertinent to public education are three laws (two of which were enacted within the past five months) concerned with curbing and eventually even eliminating discipline and crime problems among students. The laws, which may be obscure to school officials, deserve a little amplification here, because they figure significantly in the control and possible prevention of criminal offenses committed within schools.

Dating from 1968, the Law Enforcement Assistance Administration (L.E.A.A.) is part of the Omnibus Crime Control and Safe Streets Act. It is under the jurisdiction of the Department of Justice and its stated purpose is to assist state and local governments to reduce crime. L.E.A.A. planning grants provide agencies throughout any given state with resources to create program concepts and to set up detailed plans for carrying out these programs. It is a rather broad-based operation, as you might suppose, and its programs involving public education have not had especially heavy impact owing to the far-flung activities undertaken by this administrative body. Indeed, L.E.A.A. spends only about one-fifth of its annual budget on juvenile delinquency programs, although juveniles are responsible for nearly half the serious crimes committed annually in our country.

Clearly designed to dig away at the school crime and discipline dilemma is the Juvenile Justice and Delinquency Prevention Act of 1974. It creates within L.E.A.A. the Office of Juvenile Justice and Delinquency Prevention to coordinate all federal juvenile justice programs. In addition, this new legislation establishes a National Advisory Committee on Juvenile Justice and

Prevention to enlighten [illegible] about new federal programs for combating delinquency. Furthermore, the law provides block grants to state and local governments, as well as to public and private agencies, to develop juvenile justice programs with special emphasis on the prevention of delinquency. And, it creates a National Institute for Juvenile Justice and Delinquency Prevention to serve as a clearinghouse for delinquency information and research, demonstrations and evaluations of juvenile justice and rehabilitation programs.

Says Senator Birch Bayh (D-Ind.), who was primarily responsible for getting the law through Congress: "The legislation emphasizes the critical need to prevent delinquency. It provides for the development of services that will reach potential delinquents and assist them in resolving their difficulties at home, at school, and in the community. . . . It also seeks to develop alternatives to the traditional juvenile correctional system, such as shelter care, group homes, and probation subsidy programs. It provides strong incentives," says Bayh, "to divert children from the juvenile justice system through community-based diagnostic and rehabilitative services and programs that work with parents and other family members to retain the juvenile in his or her own home. It recognizes," he says, "that the primary responsibility and hope for meaningful delinquency prevention and treatment lies with the local community where the child's problems first began."

Well, it all sounds commendable and fine; now the challenge becomes putting at least some of the especially exemplary items of the law into effect. If that can be done, great strides surely will be taken during the next few years toward ridding schools of the turmoil created by chaotic types of behavior.

Another worthy attempt to prevent juvenile crime and delinquency is contained in the Education Amendments of 1974, which, of course, represent refinements to the original Elementary and Secondary Education Act of 1965. Contained in the 1974 amendments is the Safe Schools Study Act aimed at devising measures for making schools safe. Each state department of education has been charged with establishing and maintaining a record-keeping system for reporting crimes committed in its schools from September 1974 through March 1975. A summary report of these data is to be submitted to the Secretary of Health, Education and Welfare by the end of March of this year.

With these statistics in hand, the Secretary has until June 30, 1976, to determine for Congress and everyone else:

— the frequency, seriousness and incidence rate of crime in elementary and secondary schools.

— the number and location of schools affected by crime.

— the per-pupil average incidence of crime in elementary and secondary schools in urban, suburban and rural school systems located in all regions of the nation.

— the cost of replacement and repair of facilities, books, supplies, equipment and other tangible objects seriously damaged or destroyed as a result of crime in schools.

— the means by which attempts are made to prevent crimes in schools and the means by which prevention can be made more effective.

Even if only three of the five comprehensive objectives spelled out in this study are attained a year and a half from now, school officials can be justified in anticipating a turn for the better in terms of coming to positive grips with the problem of conquering crime within schools.

Deploring the fact that many policymakers frequently exhibit trepidation about enforcing the very laws that are designed to help bring order out of confusion is F. Edmund Reutter Jr. of Teachers College, Columbia University. He sees it as a sad and sorry situation when board members, superintendents and principals "won't take any actions against students because they fear lawsuits. No legal ruling that I know of," says Reutter, "has done anything to block effective student discipline. The court is getting involved in school matters but, as one circuit court judge said not long ago, 'Courts may disagree with the judgment of school officials; however, they certainly are not about to take over the operation of the schools.'"

Briggs fights back with pleasant dining, parental watchdogging

It's a simple act of everyday life for superintendents in cities to ponder how to cope with and, hopefully, eliminate vandalism and violence in the schools. The problem also burdens suburban and rural school superintendents, to be sure — but to a smaller extent. Indeed, Arnold Gruber, superintendent in a sparsely settled school district in central Wisconsin, says that his worries about student misconduct are minimal, and that "as we become more specific about identifying student rights, the students themselves develop more self-discipline and an adult sense of responsibility."

Meantime, back to the crisis besetting city schools. What to do? Paul W. Briggs, superintendent for Cleveland, has some feasible ideas. Interestingly, Briggs has found that the mode of food service can do much to keep children contented. Says he: "We've made our cafeterias into dining rooms — no more long lines, no more yelling at kids to hurry up and eat. Instead, we seat them at little tables in small, attractively decorated dining rooms, and this seems to reduce the confusion and free-for-all atmosphere that used to prevail during lunchtime."

Another approach that has worked in Cleveland is to redesign libraries. "We try to put three libraries in every high school," explains Briggs. "These new libraries are carpeted and have all the amenities we can afford. The respect for library premises has shown a marked increase." Teachers' cars used to be favorite targets for vandals, but since underground parking lots were installed at new schools, that problem has diminished greatly.

"We want to make school a friendly place," Briggs says, "because we think children will be less likely to take out their hostilities here if they feel welcome and wanted." That is precisely the reason that school officials in Cleveland urge teachers to have breakfast with their students at school under auspices of the free breakfast program that operates throughout the city.

Involving people who live in neighborhoods contiguous to schools helps Cleveland reduce vandalism. "We advise our principals to introduce themselves to the neighbors and call them by name," says Briggs. "This practice has blossomed into a sort of human alarm system wherein neighbors report suspicious goings-on at schools during off-hours. "Residents can call a special number to relate any strange things they see," according to Briggs, "and we keep callers completely anonymous so that they won't have to worry about retaliation by vandals. Then, too, we have parents' committees at each school that function in an advisory capacity for handling student unrest and the like." When it comes to apprehension of juveniles caught in unlawful acts, Briggs believes the best procedure is to respond with "rapid prosecution."

We're here to help schools fight gangs, police leader says

Kids and crime are nothing new for Tom Barnett of the Chicago Police Department's Gang Crimes Investigation Division. In a recent [illegible] period, 38 percent of the crimes committed were school-related. Half of these "school" crimes were connected with drug problems and the other half involved unlawful use of weapons, property damage and assaults. The criminals are kids in gangs, fighting back at parents who don't care and schools that can't cope, according to Barnett. "Teachers and parents let discipline problems become police problems. They want us to do the job of raising their children," he says.

Barnett sees ways to cope with gang-incited violence, if schools will cooperate with the police. Schools must actively fight the gang's disruptive behavior, he says, and offers that police are available to help school officials diagnose the problem. Barnett insists: "We must have witnesses and signed complaints to get convictions. Sure, the gangs will try to intimidate anybody who complains about their terrorism, but we have ways to fight that, too. We can provide protection, and we can arrest gang members for intimidation." Investigator Barnett is optimistic about the reduction of gang crimes through police-citizen cooperation. School officials needn't fear youth gangs when they can turn to a larger, better-equipped "gang" for protection. "After all," says Barnett, "I'm a member of the best gang in Chicago — the police."

Anyone for a Pavlovian solution?

But what do you do with those kids who cause so much disruption in your classrooms that nobody learns anything all day long?

One thing you could do — and it's a controversial thing — is try to modify their behavior.

Literally. In behavior modification, the idea is to let everyone know what the rules are — and what the rewards or penalties for appropriate or inappropriate behavior are. Students who follow the rules, such as working quietly at their desks, may get teacher signatures (as rewards) on their "behavior cards." Enough signatures and they get extra time for recess, gym or the library. The penalty for misbehavior could be "time-out," which means sitting alone, doing nothing. Teachers and students determine the rules, penalties and payoffs.

According to Arnold Carmel, consulting psychologist for the Lincoln, Neb., public schools, parental understanding and support of a behavior modification program make it successful. "The misbehaving child," Carmel says, "causes trouble at home as well as at school, and when parents find out that behavior mod changes this, they are happy to cooperate with us."

Behavior modification, or, as Carmel prefers to call it, "classroom management," works with any age group, although Carmel is assigned to Lincoln's elementary schools. "The problem students of junior and senior high school were problems in grade school," Carmel explains. "If we change inappropriate behavior soon enough, learning can occur, and the disruptive students find that they can do school-related, satisfying, successful work. They get attention from the 'good' kids and sometimes show as much as a 200 percent increase in their contributions to the class."

Teacher behavior also should change. Often, teachers reinforce disruptive behavior with attention; thus, bad behavior continues. When teachers focus on good behavior by reinforcing it immediately and consistently, they become managers of the classroom environment. By eliminating inappropriate behavior, the teacher is free to help each child with academic problems. Carmel reinforces this change in teaching style by showing teachers how to space rewards and how to use facial expressions, sentence structure and social approval in place of rewarding signatures or tokens.

Richard Malott, associate professor of psychology at Western Michigan University, says that using extrinsic rewards (toys, candy) does not interfere with the development of intrinsic reward systems (feelings of pleasure resulting from appropriate behavior). The Atlanta, Ga., school district's

"Project Achievement," for example, rewards academic success with candy, ice cream and toys that go to junior high school pupils who have discipline problems.

Behavior modification has its critics, however. Speaking to the textbook protesters in West Virginia's Kanawha County, Mary Royer, president of the National Parents League, claimed that so-called dirty books are only part of a much larger problem: "School systems are using various forms of behavior modification programs ... there's no way any theocentrically directed child can withstand this [programmed learning] because he's too young." In answer to this fear of an Orwellian sort of control over children's minds and souls, Arnold Carmel explains that behavior modification takes place on an informational level every time two people talk with each other. "Human interaction implies change," according to Carmel. "Behavior modification seeks to specify and to control the direction of that change. It's actually as simple as stating the rules by which we choose to live and their consequences."

'Hire experts as school security officers'

Joseph Grealy's trappings as a "lawman" are impressive: director of internal affairs for the Broward County (Florida) school board, president of the National Association of School Security Directors, 29 years' experience as an F.B.I. agent, and an office wall that is brass-plaqued with honors from a variety of police and security organizations. A television director might typecast him for a role in television's F.B.I. program, but other stereotypers should be more careful.

"I don't believe in turning school problems into police problems," Grealy says in an indictment of educational policy that would push troublesome students onto the streets. "I can see where a kid who has become a disrupting influence in a class might have to be removed from the class. But the over-all goal should be to keep that child in school — and not just in a detention room, but in some sort of program that reaches the student and continues his education."

Neither does Grealy have much sympathy for those who complain that recent court decisions protecting student rights have greatly aggravated discipline problems. "Due process," he insists, "isn't causing crime and violence problems in the schools. And we really do have more important things to worry about than the length of someone's hair."

Nearly everyone interviewed for this special report told the JOURNAL that "solutions" is a powerful word to use in connection with a problem as pervasive as school violence. But Grealy does see three areas in which potential solutions might at least be explored.

First, he says, there must be a determination of what the problem is, how bad it is, and who's involved. Some of these answers might be supplied through Congress' Safe Schools Study Act (authorized under the Educational Amendments of 1974), which calls for the collection of crime and violence statistics from schools all over the country. This is likely to affect you directly, because your state department of education probably is going to ask your district to keep specific records (for a six-month period) about acts of crime and violence.

Joe Grealy: Don't turn school problems into police problems; keep kids in school

Second, environmental design (an inclusive term meaning, in this context, everything from lighting to locations for letting children off school buses) can enhance safety and discourage crime, according to Grealy. "The Law Enforcement Assistance Administration (L.E.A.A.) has given the Westinghouse Electric Corp. a $2 million grant to study crime prevention through environmental design," he reports. "Eventually, four areas will be studied: private residences, schools, transportation systems, and commercial areas. We were able to convince the project directors to study schools first, and I believe the results of this research will give schools the kind of practical suggestions that work."

Third, Grealy says that school-related crime and violence is serious and complicated enough that its control should be put in the hands of full-time experts. And, to Grealy, that means a districtwide security program headed by security professionals. The security office he operates for the Broward County school district (135,000 students) consists of himself, eight investigators, one assistant in charge of safety and human relations, along with one "resource" person in each of the district's 18 schools. The office operates on a $365,000 budget, $195,000 of which is funded through Florida's Safe Schools Act.

"I really don't think that it is very fair or effective to make coaches or assistant principals responsible for school security," Grealy says. "In fact, they usually have little training in this area and, more importantly, they don't have the time necessary to deal with the problem. An effective security office can mean a lot for the peace of mind of teachers and students. On a pure cost basis, a district security office will pay off."

Those school officials who are convinced that Grealy is right about the necessity and effectiveness of an office of school security might be interested in the National Association of School Security Directors' guidelines for developing and staffing a school security office. (Grealy is president of N.A.S.S.D.) For more information, write Joseph I. Grealy, Director of Internal Affairs, Broward County School Board, 1320 S.W. Fourth St., Fort Lauderdale, Fla. 33312.

Children need *discipline and order: Principal*

The responsibility for dealing with serious discipline problems, those too hot to handle in the classroom, falls more directly to the school principal than any other official in a school district. And if increasing numbers of principals are joining those educators who insist troublemaking students be routed out of the regular classroom (and, ideally, into a special educational program; if that's not available, then out of school completely), this attitude probably is more a result of frustration over school violence than of cool judgment on the merits of compulsory education. The experienced principals interviewed for this special report seem perplexed not necessarily at the increasing incidence of school violence but at the changing character of today's discipline problems.

"Thirty or forty years ago," recalls a principal from a rural-suburban area in Wisconsin, "most student violence and vandalism appeared to be done in mischief rather than in intentional destruction. Back then, teachers expected obedience and the expectation was corroborated by parents. Pupils in general were cooperative; group censure prevailed."

Amanda Larson, a retired elementary school principal from Marquette, Mich., agrees in her recollection: "When windows in our school were damaged by BB guns, the students themselves turned out to be good sleuths, and the culprits' parents were notified and a bill sent to them. In all cases except one, in which a father himself used the BB gun, payment was received."

How radically times have changed is illustrated by the experience of Eugene E. Gibbons, who told the JOURNAL: "I was principal of an entirely black school in Chicago at the time of the emerging 'black consciousness' and inner-city rebellions. Racial violence, gang wars, vandalism and crime were an everyday occurrence. We had police stationed at the school, and I had my own personal bodyguard for much of the time. I've seen it all. In Chicago, school is not a pathway to success for the black student, but violence is."

Are there solutions to today's brand of student misbehavior? Gibbons suggests ridding schools of "oppression, arbitrary rules, corporal punishment, and a lack of compassion on the part of teachers and administrators, all of which compound whatever frustrations and conflicts that violence-prone students have within them. Violence and crime in the suburb I now work in is status-oriented, attention-getting and definitely group-oriented. Subconsciously, a 13 or 14-year-old kid is asking himself, 'How many points can I earn with my buddies for stealing this car?'"

Margaret Hayes, a high school principal for 25 years and currently president of the Retired Teachers of Chicago Association, says: "There must be respect and cooperation between the home and the school. If I were a principal today, I would try to build community confidence in my programs. And the more help a principal can get from the student council, the better off that principal is. Discipline and order are very necessary for children; they like to know on whom they can rely."

They inspire the kids to help

"Things are better this year; we've got a really together group," says Sherrye Hampton, student council president at Fenger High School on Chicago's south side. Students at this big-city school, as students elsewhere, have found that they can have a direct and important effect in reducing violence and vandalism.

Participation in school and student council sponsored activities is one way "Fengerites" counter the problems of boredom and its sometimes violent consequences. Students can choose to join band, chorus, athletic teams with winning records, or any of the school's 71 clubs. The council itself is most proud of its "School Spirit Week," five days in April devoted to activities that invite enthusiasm. Carnivals, musical shows, games and a dance help students and teachers see each other in more relaxed, less threatening terms; the net result is greater understanding. "We can really talk with our teachers; they like us," agreed council members.

The school's work-study program also is a particular favorite with students. Combining class instruction with part-time work, they can earn graduation credits, job references, and business skills simultaneously. Work-study is open only to seniors, and the senior who participates in the program is a role model for younger students. "We older kids should set a good example for the freshmen," said one council member. "Older kids realize what they can lose if they don't act right. I don't want to get into trouble because it would go on my record. What employer would hire somebody who's tardy and is a discipline problem at school?"

With 4,000 students in a school built for 2,000, problems are unavoidable. Student council members agree that more security guards would discourage theft, and Principal Lee Dillon expects that completion of a new high school now under construction will relieve much of the frustration-related violence. "It's inevitable that, with so many people, we have some vandalism, but it isn't always our students. Loiterers hang around our school, inciting trouble and damaging property." Dillon credits the community with an improvement in student attitudes. "We've gone through the instability of the transition from mostly white to mostly black. Many of the families who have come here own their own homes for the first time; their pride and high hopes for the future significantly affect the way their children behave. Plus, many of our students have gone through grade school together. By the time they come to Fenger High, they've developed an *esprit de corps* that keeps the lid on bad behavior."

The intense involvement of faculty and students in a workable program leads to a chain reaction: a few students succeed, some are encouraged by that success and more are willing to try. Success breeds loyalty to the program, as well as a commitment to future efforts. This chain reaction occurs at Fenger High and it's happening now in the Diploma Completion Program of the Madison, Wis., public schools.

The Diploma Completion Program serves the high school dropout population of Madison by providing evening classes in quarterly sessions. Entrance criteria are official dropout status and the accumulation of a substantial number of credits toward graduation in the regular day school. According to Program Director Louis Swedarsky, the D.C.P. is a "supplemental alternative giving students with the desire to try again the motivation to persist in that effort, for a second and perhaps final time." The two D.C.P. centers each have six teachers and two counselors for the 100 students attending class four nights a week.

D.C.P. defeats the stereotype of a dropout: a tire-slashing greaser in a leather jacket. Director Swedarsky states: "This group wants in rather than out of society. Most have returned because they thought D.C.P. would allow more job opportunities in the future and a path to past high school education." As one of the students put it, "I think D.C.P. is the best thing that could have happened to school. I had to move out of the house when I was 16 and obviously had to work full time. If it wasn't for D.C.P. I would have had to quit school."

Says Swedarsky: "D.C.P. students have had some difficulty with the legal system, but they do in fact decrease their confrontation situations with the police. Most of our students work during the day and go to school during the evening, resulting in precious little time for illegal activities." He also credits the school's concept of "structured flexibility" with a reduction of behavior problems. "Students and staff set attendance requirements and course parameters. This interaction creates the atmosphere of wanting to learn and results in a lack of discipline problems." In its three years of operation, only one-half of one percent of the D.C.P. students have behaved in ways that forced the school to take disciplinary action.

The Diploma Completion Program does more than reduce violence in a potentially violent group. By altering the educational environment, the D.C.P. also alters the students' perceptions of the educational process. As one graduate says, "I have received more satisfaction and courage in myself to be able to finish school." Adds a classmate: "Last semester in day school I passed only one class and now after the last nine weeks at D.C.P. I received a report card that I was actually proud of."

A look at the statistics will tell the same story. In D.C.P., success is measured in several ways: graduation, continuing in the program, or going to another educational institution. The success ratio for the 1973-74 school year was 76 percent for a student population that was previously a 100 percent nonattending, nonachieving group.

And, finally, a success story: How one school changes from snake pit to model

Four years ago, Manierre Elementary School in Chicago's inner city had only plywood where windows used to be. To local educators, it was known as the "snake pit." Students spent their time playing baseball in the hallways, sipping wine, gambling, and throwing furniture out of the windows. Only two of the 800 pupils could read. Teacher morale was understandably low; teachers had seen six principals come and go in a five-year period.

Today Manierre School is still a few blocks away from the notorious Cabrini Green housing project, but look at the school now: All the windows have whole glass — the real stuff, not the shatterproof kind. There isn't any litter in the plant, and in hallways the children are escorted to and from class. Everybody reads, from the four-year-old preschoolers to the eighth graders — 85 percent read at grade level or above. Manierre children go to ballet and symphony performances and they know their way around Chicago's Art Institute. The 30-member drum and bugle corps performs at each assembly, held once every month. Teachers hate to miss school almost as much as the children do. Manierre School is very nearly a model of effectiveness in education, the sort of effectiveness that comes from strong leadership.

Alice Blair, principal at Manierre since May 1970, is that leader. Seventeen years of teaching in inner-city schools plus another three years' experience as an assistant principal were the basis for Blair's logical, sensible and workable ideas about learning. "In the first staff meeting I called, I told my teachers that I believed in some very simple ideas. One of them is that all children can learn, and all black children can learn. I knew, from experience, what worked with black ghetto kids, and I showed my staff members how to make success possible for children who rarely experience success."

According to Blair, teacher behavior at Manierre has changed more than has student behavior. "I don't hire anyone unless that person believes in the dignity and worth of each child and acts on that commitment. All of us expect high achievement from the children. And, the children live up to our expectations." The statistics on the Manierre staff are unusual for an elementary school: of the 34 teachers, 60 percent are white, 40 percent are black; 30 percent are men and 70 percent are under 30. Blair made a special effort to recruit black male teachers. She explains: "Most of our children come from welfare homes where they rarely see their fathers. Boys especially suffer from living in families without fathers, and they have academic and emotional problems. So, it's important for the boys to see black male adults functioning successfully at work." Successful functioning starts with Principal Blair, who is a role model for the teachers. The children in their turn imitate the teachers, and the upper grade students regard it as an honor to be chosen play leaders or reading tutors for the primary grades.

"Black inner-city children from welfare families have a special need for security," Blair says. "They can't expect stability and security from home, so it must come from school. It is important for children to be able to anticipate what happens next in school, and we follow routines religiously." And one of these routines that prevents opportunities for mischievous behavior is the escorting of students to and from the lunchroom, recess, library and special study rooms.

Parent cooperation is important to any school, and Manierre involves them at the beginning of the academic process. The parents group, consisting of mothers of children in the preschool program, meets every day to study child development. A Parent Council is available for chaperoning field trips and providing classroom aid. The most striking example of parent participation was the 100 percent turnout at recent parent-teacher conferences held at the Manierre school.

One reason parents are willing and happy to attend school functions is that they no longer fear harassment from youth gangs. "The gang members all have little brothers or sisters in this school," explains Blair. "They aren't about to destroy a place where the younger ones in the family are happy and successful."

Although Manierre school has no broken windows, no graffiti on the walls, and little difficulty with thefts, assaults, vandalism or violence, Blair insists: "I'm not a miracle worker. All I've done is help my teachers do the work we are supposed to do: educate the young."

Don't mistake her modesty for timidity. Blair's favorite motto is posted in the school's main office: "If God had believed in permissiveness, He would have given us the Ten Suggestions." Students know that their principal suspends rule breakers without hesitation, and teachers are familiar with the story of Blair's first day on the job — when she asked the school's secretary where 25 of the school's teachers were. "Don't worry," the secretary assured her, "the teachers generally come in a little late around here."

"Not any more they don't," Blair said as she picked up the telephone to request 25 substitute teachers from the city's central personnel office. □

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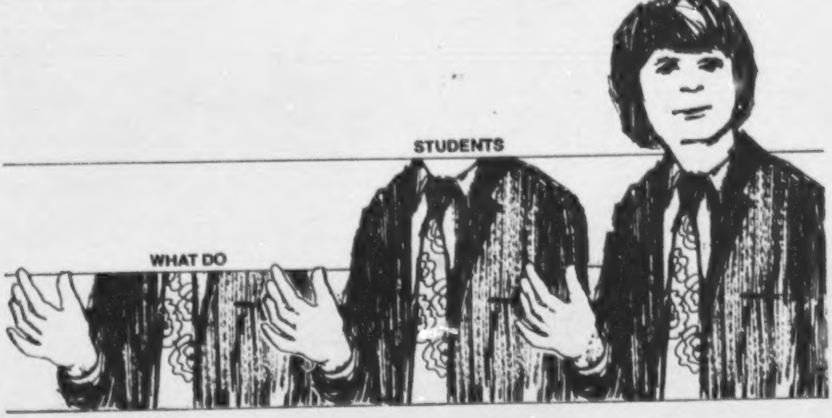
WHAT DO STUDENTS REALLY WANT?



ARLENE RICHARDS, *adjunct assistant professor of psychology and education, New York University.*

□ **High schools across the country have suffered** from tensions and unrest. What is wrong? Why aren't students able to accept the schools as they are? How could the governance of the school foster civic responsibility? What could be done to make the schools better able to prepare involved, energetic citizens of our American democracy? Can democracy withstand the disruptions that students seem to be involved with both in and out of school? Can the school system survive through the seventies?

From 1968 to 1970, the Center for Research and Education in American Liberties at Columbia University conducted a study of the objectives for civic education in the 1970's to attempt to answer these questions. Professor John DeCecco and I directed the study, and it has been written up as a research monograph.

Most of the schools and students in the study were from the New York area, but a study of nationwide newspaper reports of high school unrest has indicated that the same issues and problems are coming up everywhere in the United States.

Our study had an interview format. Since administrators and teachers already (hopefully!) have the power to express their ideas about school governance, we tried to get the thinking of students.

We collected almost 7,000 interviews written by urban and suburban high school students. All of them were asked the same basic question:

> Sometimes a group has trouble being as democratic as its members would like it to be. Sometimes a person is not sure what is the democratic thing to do. Other times it seems as if no one can change the way things are enough to make a democracy work in a place like a school or a town. When someone wants to do new things or do things in a new way, it can start a fuss. Please write about one time when something like this happened to you or you saw something like this happen in your group or your school.

Follow-up questions were asked to make sure students included as much information as they could on how the problem they discussed was resolved, how else it could have been resolved, and who participated in its resolution.

The major finding of the study was that students are demanding participation in decision making in their schools. They are asking to be allowed to do what citizens do in a democratic government: They want to help set up the rules they live by.

In my opinion, such rules could be set up by negotiation between the students and the school. An open forum where all students (and not just the "nice kids") could regularly present ideas for changes in rules would be useful. Many of those who don't speak up are bitter. They are unwilling to participate in decision making because they don't believe adults are genuinely interested in their participation.

An outside mediator or change agent, an adult who is impartial, could help establish trust. Sometimes it might even be necessary to use an outsider to arbitrate. When a dispute gets bitter enough, the only way to resolve it may be for both sides to agree on a person they can trust to hear them fairly and make the decision for them. For schools already so troubled that students and adults cannot maintain a dialogue, the outside arbitrator may be the best solution.

Sometimes many students must abide by the same rule. In that case, face-to-face negotiations may not be feasible and the referendum and formal elections are most appropriate. Open debate, campaigning, trading off, and discussion of alternatives and their possible consequences can all be important ways of learning by doing. Those who care can influence others by defending their points of view.

Many students in our sample said issues of importance to them involved equality of opportunity or treatment, due process in the enforcement of rules, and tolerance of dissent. By allowing students to participate in the enforcement of rules through a student-faculty-administration court with real power, the school can at least attempt to give equal justice to all students accused of breaking the school rules. By encouraging students to state their grievances openly, their right to dissent can be protected. Dissent need not imply that students will take over. Lawlessness need not be feared if students are involved in both making and enforcing laws.

The study concluded that high schools produced three kinds of attitudes in students: (a) the bored, apathetic, indifferent attitude; (b) the critical, angry, and protesting attitude; and (c) the active, reasonably satisfied, caring attitude.

Each attitude is typical of a different kind of school experience. During a protest, a student in a suburban high school expressed the bored, apathetic attitude.

> I think this whole thing is stupid. The kids that are sitting in the main lobby now are very ridiculous. They are not going to get what they want if they sit there all day. . . .
>
> I don't think the police have a right to tell us to get inside the building or we will be arrested. We really have no freedom now and never will again. The only reason I'm not in the lobby now is I think it's worthless. . . .

The student is telling us that he doesn't want to try to gain what he sees as his rights. He wants only to withdraw, to buy peace at the price of giving up his rights, since he feels he can't get his rights anyway.

A student who actively complained about the governance of his school, displayed the second attitude:

> A few months ago I was suspended from classes because of my dress. S--! I really can't see how dress has any connection with education. Blue jeans, bare-footed, and tee shirts will not wreck my study habits. It's such a hassel to come well-groomed to school. Also my hair was quite long and I was forced to get a trim. Wow like who the hell do they think they are. Your dress and the length of your hair have no connection with the individual's education.

The third attitude, a positive concern for democratic values and procedures, was expressed by one student this way:

> The G.O. president nominating (process) is not democratic. In this school, we the students don't nominate a G.O. president. An appointed nominating committee selects our candidates. I think that is unfair. I feel that the student body should be able to nominate persons for the position instead of having someone do it for us! ! !

This student doesn't agree with the way her school is governed but she does have a positive regard for democracy and a very concrete idea for changing the political process in school in order to make it more democratic.

The transfer of such attitudes to the political arena outside the school can lead to truly responsible democratic behavior. The following comment from a high school student who circulated a petition in the community illustrates this point:

> I was really expecting everybody to sign up but a lot of people didn't. They asked us how old we were. Then they said it was just what they expected, a bunch of 15-year-old kids trying to tell them what to do. They wouldn't listen to anything we had to say. But a lot more signed. There are a lot of people against the war. I guess it really did some good that we went.

The most distressing finding of our study was that students rarely could state alternatives to their actions. When asked to describe how else they could have resolved the issues in their incidents, most students didn't know what else they could have done.

Open debate with discussion of alternatives about real school issues might well help them to learn to think in terms of articulating alternative solutions to problems.

Teaching students to resolve issues in terms of the good of the entire group rather than in strictly egocentric terms should also be a long-term goal of the schools. High school students frequently mentioned issues in which their group came into conflict with authorities; junior high students were more likely to focus on individual quarrels with their peers.

By allowing open debate and confrontation, schools could encourage students to understand their antagonists' point of view. For the individual teacher, opening the classroom to debate can be difficult and may necessitate getting permission from some of the school's administrators before discussing a really important issue. Including administrators in formulation of class rules with students can help the administrators to understand the students' point of view. Often, they will be surprised by the relatively modest requests that students express.

By calling them "demands" and engaging in confrontation tactics, students may make their wishes for change seem more radical than they really are. Teachers and administrators might well practice listening to students' meaning, not their rhetoric. Then we may find that students are capable of becoming rational citizens by engaging in rational civic behavior in high school. □

PART 2—STUDIES FROM BOOKS AND PAMPHLETS

Alternatives for the Disruptive and Delinquent: New Systems or New Teachers?

Raymond Bell

No one would disagree that delinquency and more violent crimes are increasing in the nation's schools. To combat the grim statistics, this author has some concrete suggestions. If your school is considering alternative programs for the alienated, here are some pitfalls to avoid.

The problem of the disruptive and the delinquent youth in our soceity is one that seems to grow at an alarming rate. It is no consolation that the problem appears to be as malignant in other advanced technological societies. The report that more than 50 percent of all major crime reported in the United States last year was committed by youths under age 18 and that approximately 3 percent of all youth eventually appear in juvenile court comes as no surprise, particularly to those of us who are involved in the educational process.

When one examines the distribution of known offenses, it also becomes evident that in some communities the rate of delinquency is as high as 20 percent. Indeed, there are indications that even more youths are involved in non-reported crimes—the so-called "hidden-delinquents."

Delinquency Patterns

I would like to first review some of the delinquency patterns that have emerged over the past 12 to 15 years. As late as 1960, the general pattern of delinquency was much as it had been since the mid-Twenties.

- Most crimes were petty crimes of theft and vandalism and could be labeled as the traditional reaction to authority.
- The youths who committed these crimes were usually deterred by a single contact with the criminal justice system.

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- Most of these youths were in the 16-18 year age bracket.

These factors are still present, of course, but newer and more startling trends are emerging.

- Many of the crimes committed today are much more serious and sophisticated and involve considerable violence.
- These crimes are often carried out with the aid of weapons.
- The average age of the youths committing these crimes is more likely to be *under* age 16.
- The crimes are often committed by gangs organized specifically for that purpose.
- The crimes are often directed at those in the community most vulnerable to physical assault—the very old or the very young.
- The motivation for the act has often been drug-related, although, at least in middle class suburban areas, there seems to be a trend away from drug use and toward the use of cheap wine and liquor, particularly vodka.
- The crimes are now often committed in places usually considered safe—public thoroughfares, stores, neighborhood centers, and schools. In the schools, the most prevalent types of major crimes appear to be extortion, the sale of controlled substances, and vandalism. (The estimated cost of vandalism to schools is in excess of $200 million.)
- The young person involved in a delinquent act appears to be less responsive to the traditional controls of family, school, and police than at any other time. This may be the greatest concern of all.
- The number of runaways who often have no way to survive except through delinquency is increasing. Figures reported for 1973 indicated 3/4 million runaways. But indications are that there may, indeed, be twice as many. These runaways tend to resort to crime as a means of support and there are increases in the reported incidence of prostitution, malnutrition, and hepatitis in the below-age-17 group.

Violent School Crimes Increase

The positions of the school and the administrator in this growing turmoil are extraordinarily difficult. They are buffeted by contradictory forces. The problem of dealing with the disruptive child in the classroom is of the greatest concern. A recent Gallup Poll clearly points out the general frustration felt by teachers, administrators, and parents regarding the question of the discipline of students in school. Crimes of violence including extreme vandalism, assault, and rape are on the increase within the school itself.

The traditional response to acts of disruption and delinquency was to suspend or expel. Now, however, the general attitude and trend seems to be *away* from this response and recent court judgments seem to have underlined this trend. There are clear indications that the concept of "right to education" and "due process" are to be applied equally to the disruptive and delinquent as they are to the severely handicapped and mentally retarded.

However, there are no lobby groups and no organized groups of citizens or parents to see that the educational and emotional needs of such students are met in the schools or the community.

In my opinion the trend is inevitable. The general problems of parents and community are being left squarely on the doorstep of the educator. It is a question of "ready or not, here I come," and for the educators, there are no alternatives. We must face the problem because if we don't, no one else will.

Unfortunately, neither we nor the system are really prepared to solve such problems. There are no comprehensive alternatives as a general rule. The traditional educator -be he teacher or administrator—is not generally prepared to deal with the problems of the community. His role has never been what the British call a "pastoral" one.

To re-trench, to retreat from such a responsibility, would mean a general failure of the whole system. What then can be done? Well, I should like to present some suggestions that are based on my own experience working with schools and teachers to meet the needs of what I prefer to call "the alienated student."

I do not intend to give specific alternative models, for that would be both presumptuous and naive. You are the ones most capable of developing a series of alternatives most appropriate to meet the needs of your students or your faculties, in your communities. Instead, here are the lessons we learned from others' mistakes.

Brightest and Best Are Alienated

The first step is to recognize the obvious, and that is that the present educational system does not meet the needs of all students. It has failed some for a considerable length of time, and it is now failing some of the ablest students—the brightest and the best—who are increasingly alienated by a system that is, in their opinion, irrelevant, pointlessly rigid, and riddled with less-than-able teachers. These bright students are not against *all* systems. What they want are systems that are appropriately rigorous, staffed by competent professionals.

There may be strong criticism of the school from within and from without but I believe that the majority of people have a deep-seated confidence in American schools. Therefore, we need to present alternatives that are well thought out, have clearly defined goals, are well staffed and supported.

What then can be done with the disruptive and the delinquent in our schools? First, pressure should be brought upon the colleges from which you recruit your teachers. Colleges should provide more appropriate training for all teachers. In addition, pressure can be brought upon state departments of education to see that regular teacher certifications include specific preparation in dealing with the special needs of these students. If training programs need to be established at pre-service or inservice levels, funds should be available.

Furthermore, community leaders, agencies, and police and probation officers can be strong allies.

The major practical question regarding alternatives is "Where does the money come from?" Money *is* available. Various Titles of the Elementary and Secondary Education Act have provisions in them for initial funding if your proposals satisfy federal requirements. A substantial amount of money is also available from the Law Enforcement and Assistance Agency. Most of these funds are dispensed by State Agencies set up specifically for that purpose via regional offices. One particular area under L.E.A.A. funding that you might explore is Juvenile Delinquency Prevention and Control.

If money is available and a series of alternatives is designed, what are the pitfalls to avoid?

Many alternatives for the alienated, disruptive, or the delinquent fail because:

- Only *one* alternative system is presented. We can't provide a system for each student, so several alternatives that meet the needs of *most* students are necessary.
- The measures are extreme, be they punitive in their rigidity or so flexible that the freedom itself becomes a tyranny.
- The alternative has no visible goal or no clearly defined purpose. The students must know what you are trying to do for them; it cannot be haphazard.
- The alternatives are outside the public school system and the goals are not congruent to the public school. Alternatives can only succeed if they are supported by the community and are viewed as an integral part of the system.
- Alternatives are punitive. Should any student view the alternative offered to him as a punishment, then the chances of its helping him are significantly reduced. We should not view educational alternatives as a punishment.

- Alternatives are limited to the span of the school day. Many times the needs of the disruptive and the delinquent are greatest when the school is closed.
- Alternatives don't attempt to diagnose the basic problems of the clientele. There is considerable evidence that the tendency toward disruptive actions and conflict with society is compounded, if not caused by, psychological and/or physiological problems. Appropriate diagnosis is necessary.
- Alternatives fail to reach out to the community and to involve its agencies and its families. Alternatives should be open to public view with their failures and successes clearly seen.

The Need for New Teachers

Now let me turn to the need for new teachers. If the educational system of this country has failed some of our young people, at least an equal share of any blame must be assumed by the institutions that prepare teachers and administrators.

Many authorities believe that teachers could have been a critical force in the intervention of the delinquency process if they had had the appropriate skills. A Wayne State University study indicated that the patterns of conflict associated with delinquency are often first noticed in the elementary school. However, the elementary and secondary teacher is not adequately equipped with diagnostic procedures and intervention capabilities. Until we equip all our teachers with such general skills, I suggest we begin to train cadres of teachers to deal with the disruptive and delinquent students in alternative programs.

Teachers should have three general areas of competence: diagnostic and remedial teaching competence; crisis intervention skills; and a thorough knowledge of the community, particularly agencies from which their clients can seek help.

Four years ago we began an experimental graduate program at Lehigh University to prepare such a teacher. Since then the program has attracted some attention and, I believe, can be considered a success. The Pennsylvania Department of Education is currently accepting state-wide standards for the training of this "Social Restoration" specialist, and several other colleges and universities are initiating programs based upon our model.

The reason our program has been deemed a success is not because of any radical design but because we began to meet a need in schools and we chose people with appropriate personality characteristics. They were mature, flexible, secure, able to tolerate a high degree of stress and ambiguity, and often had had prior experience working with agencies or in positions not directly related to the school.

The experience of working with these teachers in public schools has again led to a list of mistakes that you can avoid.

- *Don't* let the crisis-intervention teacher think he replaces a counselor or any other specialist.
- *Don't* expect him to operate in a traditional mode—usually these have already failed with the population with whom he works.
- *Don't* expect him to solve all the problems of all the students in your school.
- *Don't* expect him to be a policeman or disciplinarian.
- *Don't* place him in competition or in conflict with other teaching faculty. If he succeeds, it will be because he is trained to deal with the students that are having difficulty and not because other teachers have necessarily failed.
- *Don't* overload him with so many students he can't solve anyone's problem. His case load should rarely exceed 20 students at any given time.
- *Do* have a clearly understood idea of what his role is and see that everyone else understands it, too.
- *Do* expect him to work outside the school building and outside school hours.
- *Do* be aware that when such teachers deal with these students in a relatively non-traditional role there will inevitably be conflicts at all levels. Be prepared for them.
- *Do* recognize the need for administrative support. Dealing with alienated students in crisis situations on a regular basis and coordinating a multiplicity of agency efforts is a remarkably draining job. Anyone doing it needs regular reinforcement. They expect it and ought to receive it from you.

Finally, if you are planning to develop alternative programs staffed by these teachers in conjunction with a college or university, it is advisable that the principal assume the leadership and responsibility for the program. The college may train teachers, but they will be employed by *you*, and the students with whom they deal are in your care. If you abdicate that responsibility, then the college often has a "godfather" role thrust upon it and a conflict of interest develops for the teacher and for you.

To help the disruptive and delinquent student, we must offer both new systems of education and new teachers, teachers better equipped to deal with their needs. In this we have no alternative. You have no alternative. Should you fail, no one else can succeed.

(From Inequality in Education, July, 1975)

Alternatives to Disciplinary Exclusion from School

by Merle McClung

The Supreme Court's decision in *Goss* v. *Lopez*[1] should encourage many schools to reevaluate their policies and practices about suspending students from school, and hopefully will stimulate greater efforts to develop educational alternatives to exclusion which help to remedy the underlying problem. Although it is almost a truism to say that excluding a student from school is usually a way of ignoring the problem rather than dealing with it, exclusion is one of the most common public school responses to problem behavior. And exclusion is by no means limited to short-term suspension of high school students as was the case in *Goss* v. *Lopez*. The response to misbehavior is often expulsion from school (i.e., long-term, often permanent, exclusion), and elementary school children are sometimes involved.

This article will outline some alternatives to disciplinary exclusion from school which need not interfere with the educational rights of other students, and will discuss some problems involved in developing alternative programs. Programs involving isolation in plywood booths, behavior modifying drugs and corporal punishment will be discussed before outlining some preferable alternatives and criteria by which they can be evaluated. Since many alternatives to exclusion include various behavior modification techniques, problems they raise will be considered separately, along with the possibility that the school rather than the student should be the object of change. Finally, an approach to disciplinary problems will be suggested which would incorporate the development of alternatives to exclusion as well as the due process required by *Goss* v. *Lopez*.

Eight-by-Ten Foot Plywood Booths

Alternatives which are developed without sensitivity to a student's individual needs may do more harm than the exclusionary practices they replace. *The Hartford Times* reports that one Connecticut school has initiated a new program called "In-School Suspension":

> Rather than spend the days of suspension in academic limbo, students here are instead isolated from their classmates by being placed in booths in the behavior modification lab. There, academic-oriented time is alternated with recreational periods every 15 minutes in another room. . .In the two months that the project has been underway. . .the counselors report a reduction in recurring problems.
>
> A student, said [the principal], can be placed in the booth for any infraction of school rules, from smoking on school grounds to fighting or cutting classes. Prior to any decision to suspend, a conference is held with the child's parents.
>
> While in the booth, the student is usually given assignments, either by his teacher or a counselor-psychologist. "The student has an educational day that is structured," said. . .a counselor. "If he needs help in English or math, we can hook him up with a tutor."
>
> If the reason for a child's unwarranted behavior is not easy to determine, the counselors ask him to write down what happened and follow that

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> up with a discussion of the problem.
>
> "Some students are trying to gain a kind of acceptance by a teacher or by other students by misbehaving in class," [the counselor] said. "If we were to keep him in class, we would be rewarding his negative behavior. Other kids are angry when they get here because they feel they did not do anything wrong."
>
> While the plywood booths are soundproof and only 10 by 8 feet in size, [the counselor] said their purpose is not "isolation for the sake of isolation. The kids need a break every 15 minutes because the booths have no stimulation. It would not be humane to keep anybody in there all day."[2]

While there appear to be some positive aspects to the program as described, many parents would feel that confinement in an eight-by-ten foot plywood booth for even short periods of time is psychologically damaging and much more harmful than suspension from school. And many psychologists would agree. Other questionable programs which may be more harmful than exclusion from school include the use of behavior modifying drugs and corporal punishment.

Behavior Modifying Drugs

Some schools effectively condition a student's continued attendance in a regular or special class upon parental consent to the use of behavior-modifying drugs on the student.[3] At one time tranquilizers were often prescribed to calm hyperkinetic children, but now stimulant drugs are in vogue because some studies have found that amphetamines and other stimulant drugs paradoxically increase attention span.[4] Although there are very few follow-up studies of the side effects of these drugs, some uses of stimulant drugs on some children under a physician's supervision appear justified.[5] But very few "troublesome" children are truly hyperkinetic, and stimulant drugs are being used on children who are mislabeled as hyperkinetic,[6] or are tagged with catch-all labels like "minimal brain dysfunction" (or "functional behavior disorder") which include a wide variety of "symptoms", many of which are common to almost all grade school children.[7]

Prescribing amphetamines or other drugs in an attempt to modify behavior represents a considerable medical intervention, and may not be the least restrictive intervention even for those children who are truly hyperkinetic. In June of 1973, a California medical researcher, Dr. Ben Feingold, reported to the American Medical Association his initial findings that artificial colors and flavors in foods and beverages may contribute to hyperactivity. Dr. Feingold claims to have successfully treated more than fifty children with hyperkinesis by prescribing a special diet free of the artificial additives found in convenience foods and soft drink powders.[8] Not only is prescription of a special diet a less restrictive intervention than behavior modifying drugs, but it also has the obvious advantage of addressing the cause rather than symptoms of the problem for those children whose hyperactivity is due to artificial additives in food. The National Institute of Education has funded further independent research of Dr. Feingold's findings.

The potential for misuse of drugs to control school children who exhibit non-conforming behavior has led to some proposals to prohibit their use.[9] A somewhat different approach has been adopted in Massachusetts where legislation[10] prohibits the administration of any psychotropic drug listed by the department of public health unless the school has obtained certification from the commissioner of public health or designee that the administration of such drugs in school is a legitimate medical need of the student, and then limits administration of approved medication to a registered nurse or a licensed physician. The act also prohibits administration of psychotropic drugs to students for the purposes of clinical research.[11]

Corporal Punishment

Even if corporal punishment were effective in modifying behavior, it is a form of violence which is antithetical to the educational process and to the human dignity of both students and educators. Moreover, there is a consensus among those who have studied the issue that corporal punishment is neither necessary nor effective.[12]

Piaget's research on the development of reasoning processes in children suggests that before a certain point in development children are not able to fully understand why they are being punished. This, in fact, accords with findings that younger children react to physical punishment with confusion and interpret it as a personal rejection, while older children, even when believing they have transgressed, tend to view physical punishment as an unjust intrusion and so respond with feelings of humiliation and hostility.[13] In either case, the result is a defensiveness which frustrates rather than facilitates education.

The Council of Representatives of the American Psychological Association recently voted to oppose the use of corporal punishment in schools, juvenile facilities, child care nurseries and all other child care institutions, stating: "The use of corporal punishment by adults having authority over children is likely to train the children to use physical violence to control behavior rather than rational persuasion, education, and intelligent forms of both positive and negative reinforcement."[14] Put more simply by the National Education Association's (NEA) Task Force on Corporal Punishment: "Physical punishment teaches, in short, that might makes right: school authorities can hit a student (and claim the right to hit him) because the student has hit someone (and is told he is wrong in doing so)."[15]

Far too many students have already been taught, either at school or elsewhere, that might makes right. A Senate subcommittee recently released a preliminary report showing approximately 70,000 serious physical assaults on teachers each year, literally hundreds of thousands of assaults on students including more than 100 students murdered in 1973 in only the 757 school districts surveyed, and confiscation of 250 weapons in one urban school district in one year.[16] More intelligent methods for dealing with violence in schools need to be developed, and they of course do not preclude the use of physical restraint of students by teachers and other school officials to protect themselves and others from physical injury. Reasonable physical restraint is authorized in the following model law proposed by the NEA Task Force on Corporal Punishment:

> No person employed or engaged by any educational system within this state, whether public or private, shall inflict or cause to be inflicted corporal punishment or bodily pain upon a pupil attending any school or institution within such education system; provided, however, that any such person may, within the scope of his employment, use and apply such amounts of physical restraint as may be reasonable and necessary (1) to protect himself, the pupil or others from physical injury; (2) to obtain possession of a weapon or other dangerous object upon the person or within the control of a pupil; (3) to protect property from serious harm; and such physical restraint shall not be construed to constitute corporal punishment or bodily pain within the meaning and intendment of this section.[17]

Some states[18] and many cities[19] have already adopted similar policies prohibiting corporal punishment without precluding reasonable physical restraint to prevent injury.

PREFERABLE ALTERNATIVES

Having discussed some questionable alternatives to suspension, we are left with the more difficult question of what are some good alternatives? The recommendations of the NEA Task Force on Corporal Punishment, reproduced on the accompanying pages (see box), outline a number of short, intermediate, and long range solutions. While this listing is useful in providing a basic framework for consideration, it does not set forth the kind of specifics necessary to design programs, and some educators will want to consult other literature.[20] As with other "model" programs, however, alternatives to exclusion will probably be difficult to transplant because of local differences. The structure of successful programs is usually less important than the unique character and spirit of the persons involved in them. Thus, while knowledge of the specifics of successful programs can be useful, an effective program developer will probably want to give more attention to adapting the proposed alternative(s) to the strengths and weaknesses of his/her staff and to other aspects of the local situation. In addition to the NEA listing, he/she may be interested in the following approaches.

Some schools report success with "rap sessions" with small groups of students; peer counseling (described by one ten year old as "helping someone else to give advice to themselves"); behavior contracts (a mutually negotiated agreement between a student and an instructor to reach prescribed behavior/educational goals); advocacy programs (each student selects one teacher or administrator to act as an advisor and mediator in the event that he/she has problems); and alternative educational experiences for students who are bored or turned-off by regular classes.

These and other approaches are discussed in "Alternatives to Suspension", a handbook[21] published by the South Carolina Community Relations Program of the American Friends Service Committee (AFSC) "to dispel the myth that there are no alternatives to out-of-school suspension." Not being sure that they approve of all the alternatives discussed in the handbook, the authors stress that much depends upon how they are adapted and implemented by those in authority.

The Least Restrictive Alternative

The alternative techniques which are discussed below—reasoning with the student, "cooling-off" rooms, special intervention within a regular class, and special intervention in separate programs—represent points on a continuum ranging from negligible to considerable intervention in the normal life of the individual. Development of the least restrictive alternative should be a guiding principle. Integrating children with special needs (including children with behavior disorders[22]) into regular classes as much as possible ("mainstreaming") and into an environment as normal as possible ("normalization") reflect growing education and treatment trends.[23] In some situations there is even a legal basis for asserting a right to a less restrictive alternative.[24]

ALTERNATIVES RECOMMENDED BY THE NATIONAL EDUCATION ASSOCIATION

Short-Range Solutions

The first step that must be taken is the elimination of the use of punishment as a means of maintaining discipline. Then, the ideas below can be used as temporary measures to maintain discipline while longer-range programs are being put into effect.

1. Quiet places (corners, small rooms, retreats)
2. Student-teacher agreement on immediate alternatives
3. Teaming of adults-teachers, administrators, aides, volunteers (parents and others)—to take students aside when they are disruptive and listen to them, talk to them, and counsel them until periods of instability subside
4. Similar services for educators whose stamina is exhausted
5. Social workers, psychologists, and psychiatrists to work on a one-to-one basis with disruptive students or distraught teachers
6. Provision of alternate experiences for students who are bored, turned off, or otherwise unreceptive to particular educational experiences:
    a. independent projects
    b. listening and viewing experiences with technological learning devices
    c. library research
    d. work-study experience
7. In-service programs to help teachers and other school staff learn a variety of techniques for building better interpersonal relations between themselves and students and among students:
    a. Class meetings (Glasser technique)
    b. Role playing
    c. Case study-what would you do?
    d. Student-teacher human relations retreats and outings
    e. Teacher (or other staff)—student-parent conferences
8. Class discussion—of natural consequences of good and bad behavior (not threats or promises); of what behavior is right; of what behavior achieves desired results; of causes of a "bad day" for the class
9. Privileges to bestow or withdraw
10. Approval or disapproval
11. Other staff members to work with a class whose teacher needs a break.

Intermediate-Range Solutions

1. Staff-student jointly developed discipline policy and procedures
2. Staff-student committee to implement discipline policy
3. Parent education programs in interpersonal relations
4. Staff in-service program on interpersonal relations, on understanding emotions, and on dealing with children when they are disruptive
5. Student human relations councils and grievance procedures
6. Training for students and teachers in crisis intervention
7. Training for students in student advocacy
8. Training for teachers in dealing with fear of physical violence
9. Regular opportunities for principals to experience classroom situations.

Long-Range Solutions in Schools

1. Full involvement of students in the decision-making process in the school
2. Curriculum content revision and expansion by students and staff to motivate student interest
3. Teacher in-service programs on new teaching strategies to maintain student interest
4. Alternate programs for students
5. Work-study programs
6. Drop-out—drop-back-in programs
7. Alternative schools within the public school system
8. Early entrance to college
9. Alternatives to formal program during last two years of high school
10. Few enough students per staff member that staff can really get to know students
11. Adequate professional specialists—psychiatrists, psychologists, social workers
12. Aides and technicians to carry out paraprofessional, clerical, and technical duties so that professional staff are free to work directly with students more of the time
13. A wide variety of learning materials and technological devices
14. Full implementation of the *Code of Student Rights*
15. Full implementation of NEA Resolution 71-12: "Student Involvement"—
    The National Education Association believes that genuine student involvement requires responsible student action which is possible if students are guaranteed certain basic rights, among which are the following: the right to free inquiry and expression; the right to due process; the right to freedom of association; the right to freedom of peaceful assembly and petition; the right to participate in the governance of the school, college and university; the right to freedom from discrimination; and the right to equal educational opportunity.

Long-Range Solutions With Other Agencies

1. Staff help from local and regional mental health and human relations agencies
2. More consultant staff to work with individual problem students
3. Long-range intensive in-service programs to prepare all staff to become counselors
4. Mass media presentations directed to both the public and the profession on the place of children in contemporary American society
5. Some educational experiences relocated in business, industry, and social agencies
6. Increased human relations training in preservice teacher education and specific preparation in constructive disciplinary procedures.

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Reasoning with the Student

In a recent article,[25] William Glasser offers suggestions for teachers dealing with disruptive children, the first seven of which do not necessitate removal from class. These include suggestions for how to reason with misbehaving students. Some persons will consider it futile to reason with disruptive students, but this approach is often discarded too quickly. One principal contends that strict authoritarianism by school administrators no longer works, and more time and effort should be devoted to reason and discussion. She asks three questions as a matter of course: What did you do? Why did you do it? What do you think should be the consequences?[26]

"Cooling-Off" Rooms

Many schools report successful implementation of "cooling off" or "time-out" rooms. Mr. Glasser suggests a non-punitive atmosphere, with perhaps a comfortable couch, and books and magazines around the room.[27] As the name indicates, this is a place where the student can go to cool off or take some time out—an alternative to the regular classroom for the rest of the period or however long it takes to unwind. Such rooms differ from the isolation booths mentioned above in being less confining and generally having a less punitive quality. Usually the teacher decides when the student needs this kind of in-school suspension. One school in Iowa has worked out an interesting variation for a frequently disruptive thirteen year old boy; the principal, teachers, parents and the boy have agreed that whenever the boy feels he is losing control for whatever reason, he is free to leave the class and spend the rest of the period in the cooling-off room.

Special Intervention With Regular Class

For some situations, in-school suspension utilizing a cooling-off room will be sufficient, but many disruptive students will need more than a room in which to sit by themselves. Their aggression, hostility, apathy or other symptoms of problems may necessitate some kind of special professional intervention. Where a student's behavior is determined to be serious enough to justify this kind of intervention, removal from regular classes is not always necessary. In fact, it is usually educationally preferable to enroll students in regular classes and provide help on an individual or small group basis.

Dr. Samuel Kirk notes that if the regular classroom teacher cannot handle the problem without help, there are at least two other regular class alternatives: (1) psychologists, social workers, counselors, principals and others help the teacher better understand the child's needs, but major treatment responsibility remains with the classroom teacher; and (2) itinerant teachers such as speech clinicians, remedial reading teachers, and child therapists come into the classroom to assist the child in adapting to the regular class. If assisting the child in the regular classroom disrupts the educational process for other children, a resource room to which the child is assigned for part of the day for special help may be advisable.

In their study showing significant academic gains and behavioral changes for behavior problem children in a part-time resource room supplementing their regular second through sixth grade classes, Glavin, Quay, Annesley and Werry outline some of the reasons (in addition to lower cost) for preferring this kind of approach over full-time separate classes:

> It has been observed for some time that many children who are referred for disruptive and other deviant behavior are problems in the regular class for only a part of the school day (Kounin, Friesen & Norton, 1966; Long, Morse & Newman, 1965). These disruptive episodes may, in fact, be related to the child's academic difficulties. It should also be noted that behavior problems in a significant number of children do not persist over time even in the absence of formal intervention (Glavin, 1968; Shephard, Oppenheim, & Mitchell, 1966). Both of these factors make questionable the need for full-time placement outside the regular class with the concomitant labeling and extrusion phenomena.[28]

Another study reported by Glavin supports earlier studies which show "spontaneous improvement" of approximately 70 percent of children initially screened as behavior problems. Glavin states that these results should not lead schools to a non-intervention policy, but rather to play a prominent role, especially since some of the studies indicate that a major reason for spontaneous improvement was the child's progress in academic and other school tasks. Glavin's study suggests that most children identified as behavior problems do not need to be removed from regular classrooms. [29]

Special Intervention: Separate Programs

The behavior of some students is, of course, so disruptive and extreme that full-time separation from regular classes is necessary. But rather than providing a basis for ignoring the problem through exclusion, behavior which is found to be so extreme as to justify full-time exclusion from regular class[30] should trigger special efforts by the school to find an appropriate educational alternative. Some students will need some highly individualized help, perhaps in a hospital or residential setting. Others will be able to benefit from separate classes. There are a number of educational strategies which might be used in separate programs with students with behavior disorders. Dr. Samuel Kirk identifies six educational strategies: (1) psychodynamic, (2) behavior modification, (3) developmental, (4) learning disability, (5) psychoeducational, and (6) ecological.[31]

The major emphasis in the *psychodynamic* approach is on treatment through psychotherapy with educational aspects as secondary. The focus of the treatment is to remove the "underlying causes" for the behavior, usually thought to originate in traumatic childhood events which are subsequently repressed. Dr. Kirk notes, however, that "because of the length of treatment, the questionable success of psychotherapy (especially in children), the expense involved, and the lack of trained personnel to implement the model, its widespread use is seldom found outside psychiatric hospitals and psychiatric residence centers."[32]

Proponents of *behavior modification* admit that complex historical events determine behavior, but they emphasize changing the child's response to his present environment rather than reconstructing the past in order to effect changes in behavior. Behavior modification programs are discussed more fully below.

The *developmental* approach stresses attention to a sequence of educational goals, each of which must be mastered before the student is ready to deal with the next. The sequence of educational tasks developed by F.W. Hewett can be summarized as follows: (1) attention, (2) response, (3) order, (4) exploratory, (5) social, (6) mastery, and (7) achievement. Hewett has implemented his approach in an "engineered classroom" divided into three work sections ("mastery", "order" and "exploratory" centers) corresponding to levels on the developmental hierarchy. The

Photo by Deborah Feingold

"engineered classroom", according to Hewett, is basically a launching technique for children who fail to "get off the ground" in school, and probably should be limited to one semester.[33]

Psychoeducational strategy involves an equally balanced educational and psychiatric program. The goal of intervention by the teacher-therapist team, as described by Kirk, is to interrupt a cycle started when the child does not possess certain social and readiness skills, cannot meet externally imposed demands, resulting in internal anxiety and frustration, leading in turn to maladaptive behavior which will be aggravated unless the essential coping skills are learned.

The *ecological* approach rejects psychotherapy and behavior modification because they concentrate on changing or adjusting the child to fit the environment, rather than focusing on the need to change the child's environment as well. Thus an ecological program might also try to modify the attitudes of the home, the school, and the community in the belief that they join with the child to form a small social system ("an ecological unit") constituting the problem. The possibility that the school environment might need to be changed as much as the child is discussed below in a separate section.

Although it is often difficult to determine whether a behavior problem causes poor academic performance or poor academic performance causes the behavior problem, they certainly reinforce each other. Effective compensatory work on the so-called *learning disability* (reading, writing, spelling, etc.) tends to improve conduct as well by closing the gap between the student's capacity to perform and the requirements of society.

Sometimes both poor academic performance and behavior problems are caused by perceptual, auditory or other *specific learning disabilities*, and direct intervention to remedy the handicap will also have a positive effect upon the student's behavior. As is the case with other handicaps, an effective educational program is unlikely to be designed without an accurate diagnosis of the underlying problem, and failure to identify the problem can result in misclassification of a student as mentally retarded or emotionally disturbed.[34]

A number of recent federal court decisions[35] have held that exclusion from education because of handicap is unconstitutional. Behavior which is serious enough to justify expulsion from school may constitute a handicap within the meaning of these decisions, and/or make the student eligible for special education under state statutes.[36] In such cases, alternative programs would be a legal obligation rather than simply good educational policy.

Criteria to Evaluate Alternatives

The authors of the "Alternatives to Suspension" handbook mentioned above suggest applying the following criteria in judging any program or technique which is supposed to provide an alternative to exclusion from school.

1. Is there real evidence over a period of time that the number of suspensions are actually reduced by the use of the alternative program or technique?

2. Does the alternative program or technique truly help to meet the needs of the students who would have been suspended? Does it help solve the problem that led to the disciplinary action?

3. Is the student making genuine academic progress at a level which is appropriate for him/her if participating in an alternative program?

4. As a result of the use of the alternative program or technique does the student begin to develop greater self-discipline?

A fifth criterion (perhaps only a clarification of the second) should be added; namely, does the alternative infringe upon the student's dignity, privacy, free expression or other civil liberties? This question is raised because some of the most effective alternatives to exclusion incorporate behavior modification techniques which may raise serious legal, social and educational questions. While greater experience is necessary to draw general conclusions about the desirability of behavior modification programs, the following section discusses some programs reported as successful, and identifies some problem areas which should be considered in any determination of whether to develop, refine, or discontinue a particular program.

Behavior Modification Programs

Behavior modification programs seek to change behavior by arranging the events in a learner's environment so that he/she responds in a desirable and predictable direction. Behavior is modified by offering rewards for acceptable behavior (often taking the form of a token economy) and by withholding rewards for unacceptable behavior (or in some cases, punishment[37]). Many educators have reported success with various behavior modification programs.

Bright and Vincent report successful results with behavior modification techniques in the Juvenile Achievement Center School in Waco, Texas.[38] This individualized program was provided to students between the ages of 11 and 15 who tested at least two years below grade level and exhibited socially maladaptive behaviors that would prevent them from succeeding in the regular school program. Staff members use a micro-economy as an incentive system to positively reinforce student academic performance and social behavior. Positive academic and social behaviors earn students points which can be converted into money for purchasing reinforcers (such as craft materials or a game of pool) in a student-operated store. Students are not allowed to remain in the program beyond three semesters, and a report by counselors in the sending school districts indicated that the students functioned adequately upon returning to the public school environment, with over half of these students showing few, if any, maladaptive behaviors.

Positive academic and behavioral gains using behavior modification techniques are also reported by Glavin, Quay, Annesley and Werry.[39] The Temple University Resource Room Project incorporated a token economy as a reinforcement system for elementary school children referred by teachers who considered them extremely disruptive or overly withdrawn. Two of the three referring schools were in low socio-economic, majority black areas. A resource room supplementing regular classes was developed as an alternative to special class placement. Children in the experimental group were scheduled for a resource room program during those periods of the day in which they were functioning least effectively in the regular class. Since behaviorally deviant children usually have academic deficiencies either as the cause or the effect of deviant behavior, the reinforcement program emphasized academic remediation in a structured classroom situation. The experimental group made significantly greater gains in reading vocabulary and arithmetic fundamentals than did a comparison group. As to behavioral changes, Glavin *et al.*, conclude that "while the children's behavior can be changed rapidly and dramatically in the resource room situation, generalization into the regular classroom does not occur automatically, but requires deliberate attempts to generalize this improvement into the regular classroom."[40]

An interesting variation of these programs has been developed by Graubard and Rosenberg.[41] They teach *students* how to change *teacher* behavior by using behavior modification techniques. Seven children, one black, two white and three Mexican-American, aged 12 to 15, who were in a class for children considered incorrigible were given instruction and practice in behavior modification. They were taught various reinforcements to use in shaping their teachers' behavior. They learned to reward positive teacher behavior with smiling, making eye contact and sitting up straight; and to discourage negative teacher behavior with statements like, "It's hard for me to do good work when you're cross with me." Graubard and Rosenberg found that the teachers responded much more positively towards the students, many of them feeling that the engineering by the students created a more positive working environment by eliminating cutting and sarcasm.

Rosenberg contends that students can also use these techniques to resolve problems with their classmates:

> We can teach kids systematically how to make friends, how to get along with other students ... If they're being teased, we can teach them how to extinguish that permanently. If they're getting in fights, we can teach them to use basic learning principles to get the same thing they were trying to get by fighting.[42]

He describes their approach as follows:

> The revolutionary thing here is that we are putting behavior-modification techniques in the hands of the learner. In the past, behavior modification has been controlled more-or-less by the Establishment. It has been demanded that the children must change to meet the goodness-of-fit of the dominant culture. We almost reverse this, putting the kid in control of those around him.[43]

The reversal is not complete as their approach does in fact change the behavior of the students; the outcome is not necessarily cynical, as one might expect, because Graubard and Rosenberg stress learning to praise teachers with sincerity. "They had to *sincerely* mean it so it would be accepted by the teacher as an honest statement of a kid's feelings, not as smarting off."[44] Thus the teachers who remained convinced that the projects had changed the students rather than themselves were at least partly correct.

While many educators report success with various behavior modification programs, others point out problems. They say that behavior modification makes discipline a system of rewards rather than progress toward mutually established and worthwhile goals; that it undermines internal control by emphasizing external rewards; that it encourages mercenary rather than reasoning individuals by substituting pay-offs for reason; that it encourages students to "act" as if they were learning in order to obtain rewards; that it emphasizes short-range rather than long-range effects. These and other criticisms of behavior modification programs are outlined by Lindsey and Cunningham.[45]

The goals of behavior modification programs deserve as much scrutiny as their methods. All behavior modification programs attempt to change behavior towards a norm—a norm which many persons may legitimately refuse to accept. This raises the question of whether it is always the student who needs to be changed.

The School Versus the Student as the Problem

Any reexamination of suspension policy and in-school alternatives should begin with some honest questioning about whether the school environment is more a cause of the problem than the student. As is implied by some of the NEA's suggested solutions, in some situations the educational environment rather than the child should be changed. Many educators believe that schools can tolerate much more disorder than they think they can; in fact the strict control characteristic of most public schools often not only fails to serve an educational purpose but in fact does the opposite. Thus the late Edward Ladd argued that it is counter-educational for schools to impose on the lives of their students a degree of orderliness ("prescribed curricula, assignments, minute-to-minute schedules and the hundreds of 'do's' and 'don'ts' confronting students at all levels"[46]) which is enormously greater than the orderliness found in the real world outside school walls.[47]

Quite apart from the educational validity of rigid, controlled educational environments, one report emphasizes how they can cause misbehavior or emotional disturbance in "normal" children.

> For the so-called "normal" children, a certain amount and type of misbehavior is expected. If, as educators and psychologists tell us, much of the misbehavior is due to an educational system that dulls rather than excites children's minds, then only a restructuring of the educational process will solve this problem. . . [I]t is important to recognize that "normal" children may develop hostile and aggressive behavior patterns if school authorities respond to them too severely or inadequately. In fact, such responses may cause the "normal" child, over a period of time, to become emotionally disturbed.[48]

Many normal students react adversely to what they consider the pointless exercise of authority within the school, treating them as subjects, rather than persons. To say this is not to deny the need for authority or learning how to question it in a constructive manner. As Ladd said, "to be sure, part of education is learning to take orders, but this learning can take place best if the obedience is to orders reflecting the limits and requirements of real life and not to orders especially created for teaching obedience."[49]

Teachers of course are a crucial part of this school environment. A study[50] by Rubin and Balow suggests that teachers are oriented to a range of expected pupil behaviors much narrower than typical behavior patterns of normal young boys. Noting the rigidity of the traditional medical-categorical system of identifying handicapped children, the authors define educational handicap in practical behavioral terms as the inability to adequately meet the demands of the educational systems. Using this definition, they asked teachers to identify a sample of boys and girls in grades K-3 with learning and behavior problems requiring special educational services. The teachers identified 41.1 percent of the children in one or more problem categories,[51] with special placements or special services having been instituted for 24.3 percent of study subjects. Even with the expanded definition of educational handicap, the percentage of identified children is surprisingly high because all subjects had been tested prior to school entrance and were essentially normal on socioeconomic, medical, intellectual, and school readiness characteristics. The results lead Rubin and Balow to the following conclusions:

> The findings suggest that schools and teachers are oriented to a narrow band of expected pupil behaviors which are not consonant with typical behavior patterns of young boys; any pupil outside of that narrow range is treated as needing special attention. . . The large proportion of children identified by teachers as needing special educational services raises serious questions about the ability of our educational system, as presently organized and conducted, to adequately accommodate the broad range of individual differences found within the typical school population. Clearly these data suggest a need for diagnostic and remedial procedures directed toward school systems at least equivalent to those directed towards school children.[52]

While there is evidence that teachers can reliably and validly report overt, discrete aspects of student behavior,[53] some studies have reported that the behaviors of students that disturb teachers most are those that are different from their own beliefs. One study[54] by Kay & Lowe lends support to the conclusion of several authors that teachers resent most behavior which interferes with *their* programs, *their* ideals, and *their* beliefs.[55] Noting these studies, a report by the Council for Children with Behavior Disorders (CCBD) concludes that "behavioral deviancy appears to be in large part a reflection of the attitudes of the faculty rather than the behavioral criteria related to the education or safety of children."[56]

Since attitudes are so important, in-service training for teachers and other school staff in how to respond to disruptive behavior in a productive way might well supplement development of alternative programs. The alternatives listed by the NEA (see box on p. 61) include a number of suggestions which are directed toward creating a school environment which will produce fewer disciplinary problems.

Safeguards: Due Process and Consent

This article has noted that some alternative programs may entail unacceptable behavior control, and that individual liberties may be infringed by programs designed to bring behavior into conformity with a preconceived norm. Where these programs take the form of separate classes, their very existence may make schools and teachers more willing to give up on a student within the regular class framework. Some persons would argue against developing alternative programs for these reasons. Given the need to address many of the problems underlying disruptive behavior, however, a better approach would be to develop safeguards to minimize the dangers.

Central to any alternative program should be due process determinations, and a parental/student option for exclusion rather than the proposed alternative. At least as much due process should be provided prior to "in-school suspension" as for traditional suspension in order to avoid incorrect or arbitrary determinations of misconduct. Some of the students who were placed in the small plywood booths mentioned at the outset of this article, for example, may have been right in feeling that they did not do anything wrong. And certainly, any alternative which takes the student out of regular classes for an extended period (say, ten days or more) should be preceded by the kind of formal due process required prior to expulsion from school.

Consent of the parent, and of the student after a certain age,[57] is perhaps as important as the due process hearing itself. While a consent provision raises the usual difficulties such as whether the consent is informed and at what age the student's preference should prevail, on balance consent which can be withdrawn at any time is necessary to insure against unacceptable forms of behavior modification, schools which are perceived as juvenile prisons, etc.[58] The due process hearing should relieve the parent/student of any compulsory education requirement where they find the alternative unacceptable.[59]

Voluntary attendance may be especially important if a program for students with behavior disorders is to succeed, but the argument can be made both ways. For example, as noted above, most behavior modification programs, operating on the principle that student motivation is a prerequisite to learning, incorporate incentive systems such as a token economy. Thus it might be argued that a student should be compelled to attend so the incentive system will have a chance. But fears such as unacceptable stigmatization and behavior control outweigh this consideration. At least until there is some experience showing that the educational alternatives are desirable and would continue to be so even on an involuntary basis, the parent/student should be given the ultimate responsibility for deciding whether or not to take advantage of the alternative. This principle is incorporated in the suggested approach to disciplinary problems set forth in the next section.

Suggested Approach to Disciplinary Problems

1. When a student is charged with disruptive behavior which the teacher cannot handle informally, the teacher informs the principal or other designated person with expertise in disciplinary problems.

2. The principal or designee informs the student of the charge and, if denied, permits the student to tell his/her side of the story. This is not meant to be an informal hearing, just a chance for the principal or designee to learn more about the situation and decide how to proceed.

3. If the principal or designee[60] determines a need to remove the student from the regular class, he/she sends the student to a "cooling-off" room for the remainder of the period. The "cooling-off" room should have a non-punitive atmosphere, and be appropriately supervised, perhaps by the designee, if more than one student is using it.

4. The principal or designee arranges a time and place to get the teacher and student together to discuss the problem and attempt to work out an informal solution.

5. If in the judgment of the principal or designee, the preceding steps are insufficient to resolve the matter and exclusion or some kind of alternative may be advisable, he/she notifies the parent or guardian.

6. For reasons discussed in the preceding section, the notice to the parent or guardian reads as follows: Your son/daughter [name] has been charged with disruptive behavior by [person making charge] today, [date]. The disruptive behavior involved [fighting with John Doe in English class]. We sent [name] to our cooling-off room for the remainder of the period. I am recommending development of an alternative to suspension for [name] to help deal with this problem, or a suspension for [five days]. We will have an informal hearing on [date and time] at [place] to determine the validity of the charge and appropriate disposition of this matter, and would appreciate your attendance. At this hearing the person making the charge will be present, your son/daughter will have an opportunity to tell his/her side of the story, [specify other procedures[61] to be followed at the informal hearing]. According to school board policy, if [name] is found guilty of disruptive behavior, we will suggest an alternative to the suspension period. If for any reason you think that suspension is preferable to the alternative, you can choose suspension.

7. To the extent practical, the principal and other school personnel work with the parent and student to develop a mutually acceptable alternative to exclusion.

This approach is designed primarily with suspendible offenses in mind. If the principal is recommending expulsion, more elaborate procedural safeguards will be necessary.[62] In such cases, separate meetings for a due process hearing and for development of an alternative will probably be necessary, and both may require a comprehensive evaluation[63] of the student. The same general approach—giving the parent the choice of an educational alternative to exclusion if there is a due process determination of excludable conduct—is applicable to and recommended for serious disciplinary cases which might result in expulsion. In fact, one state has recently enacted legislation requiring this kind of approach for all its public elementary and secondary schools.[64]

This approach to disciplinary problems will not work without good faith efforts by the school. School officials could suggest alternatives which are obviously more harmful than exclusion, or the teacher(s) could easily subvert a well-designed alternative in order to pressure the student into "dropping out" or the parent into exercising the exclusion option. And of course the student or parents could complicate an already difficult task. Schools obviously will not be able to count on the full cooperation of many of these students. And parents will sometimes refuse to cooperate.[65] But even when the parental response is totally unreasonable, denying further education to the student because of the parent's actions violates fundamental principles about not punishing one individual for another's misconduct.[66]

Conclusion

Some educators have criticized the Supreme Court's decision in *Goss v. Lopez* as another judicial decision diverting to disciplinary matters the time and effort which should be concentrated on the educational process. Most educators, however, would probably agree with the Supreme Court's observation two decades ago that one of the purposes of public education is to help the student adjust normally to his environment.[67] Schools avoid their responsibility to educate when they exclude students who do not adjust naturally to their environment. Helping such students adjust is part of the education schools must provide. And in so doing they must be sensitive to the individual liberties involved, which includes a recognition that the object of adjustment might be the school environment as well as the student. This article has outlined a number of alternatives to exclusion which need not interfere with the rights of other students to an education. Some of the alternatives will cost more in time, effort, and other resources, but the long-term social cost will be much higher if we do not educate students because they have behavior problems.

FOOTNOTES

[1] 95 S.Ct. 729 (1975).

[2] Reported by Jill Landes in *The Hartford Times*, November 21, 1974.

[3] "This procedure is needed, the psychologist says, if the child is to stay in the regular program. In some urban areas, however, the parent is told bluntly that unless the child receives treatment (i.e., medication), he will face suspension or be transferred to a special program for the emotionally disturbed. . . . The school often refers the child to a doctor who specializes in learning disabilities and routinely uses drugs in his treatment." D. Divoky, "Toward a Nation of Sedated Children," *Learning* (March 1973) at 8, 10. See generally the special report on behavior-modifying drugs in 8 *Inequality in Education* at 1-24.

In this troubling area where the medical evidence and educational issues are so complex, and where parents are subject to unusual pressure to submit to medication, it is especially important that procedural safeguards are developed to insure that parental consent to medication for the child is informed and without duress. Also, it should be obvious from *infra* notes 5-7 that only qualified doctors (preferably not school employees or referees) should label children as in need of behavior-modifying drugs.

[4] See, e.g., C.K. Connors, *et al.*, Dextroamphetamine Sulfate in Children with Learning Disorders," 21 *Archives of General Psychiatry* 182-190 (1969); C.K. Connors, "Psychological Effects of Stimulant Drugs in Children with Minimal Brain Dysfunction," 49 *Pediatrics* 702-708 (1972); L. Eisenberg, "The Clinical Use of Stimulant Drugs in Children," 49 *Pediatrics* 709-15 (1972). A bibliography of such articles can be obtained from the Center for Law and Education.

[5] Compare the following:

> "The fact that these dysfunctions [hyperkinetic behavioral disturbance] range from mild to severe and have ill-understood causes and outcomes should *not* obscure the necessity for skilled and special interventions. The majority of the better known diseases—from cancer and diabetes to hypertension—similarly have unknown or multiple causes and consequence. . . . Yet useful treatment programs have been developed to alleviate these conditions." Report on "Conference on Stimulant Drugs for Disturbed School Children," 8 *Inequality in Education* 14, 15.
>
> "The Medical Letter on Drugs and Therapeutics," a conservative, non-profit publication aimed at clinicians, describes the data on the use of amphetamine-type drugs on children as "meager" and goes on to charge that "there are no adequately controlled long-term studies of the use of stimulants on noninstitutionalized hyperactive children with IQs in the normal range who have only mild neurological abnormalities. Yet it is in such children that the diagnosis of 'minimal brain dysfunction' is most often made and for whom amphetmines may be prescribed. . . ." Divoky, *supra* note 3, at 10.

[6] "So common and so misleading are these symptoms that some doctors estimate that less than half of the children labeled hyperactive by teachers and sent for special treatment are in fact hyperactive." Divoky, *supra* note 3, at 8.

The "Conference on Stimulant Drugs," *supra* note 5 at 15, states that there is no single diagnostic test and the diagnosis should be made by a specialist. "In diagnosing hyperkinetic behavioral disturbance, it is important to note that similar behavioral symptoms may be due to other illnesses or to relatively simple causes. Essentially healthy children may have difficulty maintaining attention and motor control because of a period of stress in school or at home. It is important to recognize the child whose inattention and restlessness may be caused by hunger, poor teaching, overcrowded classrooms, or lack of understanding by teachers or parents. Frustrated adults reacting to a child who does not meet their standards can exaggerate the significance of occasional inattention or restlessness. Above all, the normal ebullience of childhood should not be confused with the very special problems of the child with hyperkinetic behavioral disorders."

[7] "The most commonly used of the 38 terms applied to a grab-bag set of symptoms found in grade school children is minimal brain dysfunction (MBD) . . . Hyperkinesis, the other most popular and misused label, is often used synonymously with MBD, or is described as the result of MBD." "And a new one, particularly favored by drug makers because it will cover anything: functional behavior disorder." Divoky, *supra* note 3, at 7.

"The condition commonly called minimal brain dysfunction—MBD—is not easy to diagnose: Specialists spend from six hours to three days on the diagnosis." 8 *Inequality in Education* at 8.

[8] *CNI Weekly Report* (Nov. 1, 1973) (published by Community Nutrition Institute, 1910 K. St., N.W., Washington D. C. 20006); Ben F. Feingold, *Why Your Child is Hyperactive* (1975).

[9] See, *e.g.*, The National Welfare Rights Organization's Petition of April 2, 1971 to the Food and Drug Administration "To Withdraw Approval of Methylphenidate Hydrochloride (Ritalin) For Use in Hyperkinetic Behavior Disorders in Children." Petition denied in decision of March 17, 1972.

[10] M.G.L. Chapter 71, s.54B.

[11] See generally the regulations developed by H.E.W. for the "Protection of Human Subjects" which limit the nature and methods of research funded by the Department. 39 *Federal Register* 18914 (May 30, 1974). See also the proposed supplementary regulations for children, prisoners, and the mentally infirm. 38 *Federal Register* 31738 (November 16, 1973).

The use of behavior modifying drugs raises constitutional questions since "autonomy over one's own body, without intrusion of drugs which modify behavior—*no matter how beneficial*—is a matter of ultimate personal concern." For possible substantive challenges and procedural safeguards, see Roderick Ireland and Paul Dimond, "Drugs and Hyperactivity: Process is Due," 8 *Inequality in Education* [illegible].

[12] See generally the studies cited in the NEA *Report of the Task Force on Corporal Punishment*, *infra* note 15.

[13] *Id.*

[14] *Education Daily* (March 26, 1975) at 4.

[15] *Report of the Task Force on Corporal Punishment* (a National Education Association Publication, 1972) at 17.

[16] "Our Nation's Schools—A Report Card: "A" in School Violence and Vandalism," Preliminary Report of the Subcommittee to Investigate Juvenile Delinquency, by Senator Birch Bayh, Chairman, to the Committee on the Judiciary of the United States Senate (April 9, 1975).

[17] *NEA Report*, *supra* note 15 at 29.

[18] New Jersey, Massachusetts.

[19] For example, Philadelphia, Pittsburgh, San Francisco, Providence, Chicago, New York City, Washington D.C.

[20] In addition to the publications cited in this article, see the following NEA publications: *Coping With Disruptive Behavior*, *Discipline in the Classroom*, and *Discipline and Learning: An Inquiry into Student-Teacher Relationships*. The NEA Order Department is located at Academic Building, Saw Mill Road, West Haven, Conn. 06516.

[21] "Alternatives to Suspension," *Your Schools* (May 1975) (published by the South Carolina Community Relations Program of the American Friends Service Committee, 401 Columbia Building, Columbia, S.C. 29201).

[22] Kirk, *infra* note 31 at 389, defines behavior disorders as "a deviation from age-appropriate behavior which significantly interferes with (1) the child's own growth and development and/or (2) the lives of others." He summarizes M.C. Reynold's pyramid of alternatives for children with behavior disorders, starting with the least restrictive alternatives for most children at the base of the pyramid and more restrictive alternatives for a few children at the top: (1) regular classroom alternatives, (2) regular class plus resource room, (3) part-time special class, (4) full time special class, (5) special day school, (6) residential school, and (7) hospital and school. *Id.* at 412-415.

[23] See, *e.g.*, H. Love, *Educating Exceptional Children in Regular Classrooms* (1972); W. Wolfensberger, *The Principal of Normalization in Human Services* (1972).

[24] The doctrine of the "less onerous" or "less-restrictive alternative" would permit inquiry as to whether the state's legitimate purposes could have been achieved by an alternative form of action that would have avoided significant injury to the individual. See *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Rinaldi* v. *Yeager*, 384 U.S. 305 (1966). See also Harold Horowitz, "Unseparate But Unequal—The Emerging Fourteenth Amendment Issue in Public School Education," 13 *U.C.L.A. L. Rev.* 1147, 1161 (1966); G. M. Struve, "The Less Restrictive Alternative Principal and Economic Due Process," 80 *Harv. L. Rev.* 1463 (1967).

For application of this principle to cases involving public education, see *PARC* v. *Pennsylvania*, 343 F. Supp. 279, 307 (E.D. Pa. 1972) (consent agreement); and *Mills* v. *District of Columbia Bd. of Educ.*, 348 F. Supp. 866, 880 (D.D.C. 1972) which provides: "Each member of the plaintiff class is to be provided with a publicly-supported educational program suited to his needs, within the context of a presumption that among the alternative programs of education, placement in *a regular public school class with appropriate ancillary services is preferable* to placement in a special class." (emphasis added)

The new Massachusetts Special Education Act gives the parents the right to decide whether their child is to be in regular or special classes. To override this choice, the school must prove in Superior Court that regular placement "would seriously endanger the health or safety of the child or substantially disrupt the program for other students." Chapter 766, Acts of 1972.

[25] William Glasser, "A New Look at Discipline," *Learning* (December 1974).

[26] Principal Christine Webb quoted in an article in *The Columbia Record* on January 5, 1975, reprinted in "Alternatives to Suspension," *supra* note 21.

[27] Glasser, *supra* note 25 at 10.

[28] J. Glavin, H. Quay, F. Annesley, and J. Werry, "An Experimental Resource Room For Behavior Problem Children," 38 *Exceptional Children* 131 (October 1971).

[29] At the very least, such studies indicate that exclusion from school should be of limited duration rather than permanent. Some state statutes limit expulsion to the end of the school year. See, e.g., the Connecticut statute, *infra* note 64.

[30] A due process hearing is required for this determination. See *infra* note 62.

[31] Samuel A. Kirk, *Educating Exceptional Children* (1972) at 402. The description of these programs which follows in the text is based on Kirk's summaries, pp. 402–412.

[32] Kirk, *supra* note 31 at 403.

[33] F.M. Hewett, quoted by Kirk, *supra* note 31 at 408.

[34] Most schools have procedures whereby children suspected of having some kind of handicap can be referred to professionals for evaluation. See *infra* notes 63 and 65.

[35] See, *e.g., P.A.R.C.* and *Mills* cases, *supra* note 24.

[36] For a discussion of state and federal law requiring public schools to educate children with behavior problems, see Merle McClung, "The Problem of the Due Process Exclusion: Do Schools Have a Continuing Obligation to Educate Children With Behavior Problems?", 3 *Journal of Law and Educ.* 491 (October 1974).

[37] In the long run, punishment, unlike reinforcement, works to the disadvantage of both the punished organism and the punishing agent. B.F. Skinner, *Walden Two* (1948) at 183.

[38] R.L. Bright and J.L. Vincent, "JACS: A Behavior Modification Program That Works," *Phi Delta Kappan* (September 1973).

[39] Glavin *et al.*, *supra* note 28 at 132.

[40] *Id.* at 137.

[41] Farnum Gray, Paul Graubard, and Harry Rosenberg, "Little Brother is Changing You," *Psychology Today* (March 1974), reprinted in *Discipline and Learning*, *supra* note 20 at 87–96.

[42] *Id.* at 92.

[43] *Id.* at 88.

[44] *Id.* at 90.

[45] Bryan Lindsey and James Cunningham, "Behavior Modification: Some Doubts and Dangers," *Phi Delta Kappan* (May 1973), reprinted in *Discipline and Learning*, *supra* note 20 at 84–86.

[46] Edward Ladd, "Allegedly Disruptive Student Behavior and the Legal Authority of School Officials," 19 *J. of Public Law* 209, 234 (1971).

[47] This is not to deny that particular circumstances may require *more* control in some schools and classrooms than in others. And a few students within a class may need *more* control than the majority, and thus lack of control may reinforce behavior problems in some cases.

[48] Task Force on Children Out of School, *The Way We Go To School: The Exclusion of Children in Boston* (1971) at 44.

[49] Ladd, *supra* note 46 at 234, n.81. Some educators, however, would take exception to Ladd's view that "part of education is learning to take orders," arguing that education should not necessarily treat outside realities as unchangeable absolutes.

[50] R. Rubin and B. Balow, "Learning and Behavior Disorders: A Longitudinal Study," 38 *Exceptional Children* 293 (December 1971) (a study population of 967 school children grades K–3 in Minnesota).

[51] One of the categories was titled "behavior problems only;" 19.8 percent of the boys and 13.8 percent of the girls were identified as such by the teachers. *Id.* at 298.

[52] *Id.* at 298–99.

[53] B. Phillips, "Problem Behavior in the Elementary school," 39 *Child Development* 895 (1968).

[54] B. Kay and C. Lowe, "Teacher Nomination of Children's Problems: A Rolecentric Interpretation, 70 *J. of Psych.* 121 (1968) (a study of teachers of children grades K–6 in New Hampshire).

[55] *Id.* at 122 and 127. See also C. Louttit, *Clinical Psychology of Exceptional Children* 236 (1957). Such conflicts often reflect social-class differences between teachers and pupils. See *e.g.*, H. Becker, "Social Class Variations in the Teacher-Pupil Relationship," 25 *J. of Educ. Soc.* 451 (April 1952); R. Rist, "Student Social Class and Teacher Expectations: The Self-fulfilling Prophecy in Ghetto Education," *40 Harv. Educ. Rev. 411* (August 1970).

56 J. Regal, R. Elliott, H. Grossman, and W. Morse, "The Exclusion of *Children* From School: The Unknown, Unidentified, and Unserved," (a report of The Council for Children with Behavioral Disorders) at 14.

The danger of teachers and school officials overreacting to *minor* instances of non-conforming behavior is obviously greater when middle class white teachers identify black pupils as problems in recently desegregated public school systems. See discussion of the expert testimony in *Hawkins v. Coleman*, 376 F. Supp. 1330 (N.D.Tex. 1974), summarized in article by Sylvia Demarest and John F. Jordan at pp. 28–31 of this issue.

[57] There is a growing recognition that children should not be treated as simply parental appendages. See *e.g., Arnold v. Carpenter*, 459 F.2d 939 (7th Cir. 1972) where the court held, *inter alia*, that lack of parental consent regarding lengthy male hair was irrelevant, with the dissenting opinion expressing the traditional view. See generally the special issue on "The Rights of Children in the *Harv. Educ. Review*, November 1973 and February 1974.

For one discussion of the difficult question of when students should exercise some control over educational decisions which affect their lives, see E. Ladd, "Civil Liberties for Students—At What Age?" 3 *J. of Law and Educ.* 251 (1974).

[58] Although not often litigated, an "educational" program which is a custodial "dumping ground" or otherwise does not measure up to minimally adequate standards may be unconstitutional. See M. McClung, "Do Handicapped Children Have a Legal Right to a Minimally Adequate Education?" 3 *J. of Law and Educ.* 153 (1974).

[59] See *infra* note 64.

[60] If it is impractical for a third party to be introduced in these early steps, the teacher might be given discretion as to when to send students to the cooling-off room. To prevent abuse, there should be a limit on the number of times a teacher can send a student to this room without triggering due process procedures. And to help resolve the problem, the teacher-student conference of Step 4 should be required each time a student is sent to the cooling-off room.

61. *Goss v. Lopez*, 95 S.Ct. 729 (1975), only sets forth the *minimum* procedures required by the Constitution. Even when a broad interpretation is given to *Goss* (see, *e.g.*, Peter Roos, "*Goss and Wood*: Due Process and Student Discipline," this issue p. 42), these procedures may be inadequate given the authority structure in most schools (see Paul Weckstein, "The Supreme Court and the Daily Life of Schools," this issue, at p.49). Rather than expanding due process requirements for short-term suspensions, however, the author believes that a substantive approach is educationally preferable; namely, minimizing the harmful effects of suspension by providing opportunity for make-up work and exams, expunging the disciplinary action from the student's record at the end of the year, and providing alternatives to exclusion as set forth in this article.

[62] While the Supreme Court did not resolve the issue in *Goss v. Lopez*, most courts agree that an extensive due process hearing with right to legal counsel and cross-examination is necessary prior to expulsion (long-term exclusion) from school. See, *e.g., Givens v. Poe*, 346 F. Supp. 202 (W.D.N.C. 1972); *Tibbs v. Board of Education*, 276 A.2d 165 (Super. Ct. App. Div. N.J. 1971); *Dixon v. Alabama State Board of Education*, 294 F.2d 150 (5 Cir. 1961) *cert. denied*, 368 U.S. 930 (1961). In *Mills v. D.C. Board of Education*, 348 F. Supp. 866 (1972), Judge Waddy sets forth separate hearing procedures for disciplinary exclusion from school (882-83) and assignment to special classes (880-82).

[63] The parents and school may want a comprehensive evaluation to determine whether the proposed expulsion constitutes exclusion because of handicap, or alternatively in order to generate the information necessary to design an alternative program suited to the student's needs. The "full core evaluation" required in Massachusetts' special education law, for example, includes (1) physical, (2) psychological, (3) educational and (4) home assessments. See *infra* note 65 where parents refuse to consent to such an evaluation.

[64] On May 30, 1975, the Connecticut General Assembly passed "An Act Concerning Exclusion From School for Disciplinary Purposes," (Substitute House Bill No. 5550). The Act, *inter alia*, requires a formal due process hearing prior to expulsion, limits expulsion to the end of the school year, and provides: "Any pupil who is expelled shall be offered an alternative educational opportunity during the period of expulsion, provided any parent or guardian of such pupil who does not choose to have his child enrolled in an alternative program shall not be subject to the provisions of section 10-184 [the compulsory education law] of the general statutes."

[65] A due process hearing will not convince some parents that their child is at fault, or that he/she should be subjected to the kind of full-core evaluation mentioned in *supra* note 63. And in some cases school officials may question whether the parent is acting in the best interests of the child. One resolution of situations involving possible parent/child conflict of interest is referral to a social services agency or to an independent decision-maker. This kind of approach has been adopted in Massachusetts even though the governing statute requires the core evaluation to go forward upon proper referral of the child, without the need for parental consent. Massachusetts State Department of Education, Policy Statement #766-75-4, issued May 19, 1975.

The law generally recognizes the need for separate representation when the child's interests conflict with the parent's. See *Uniform Juvenile Court Act* (National Conference of Commissioners on State Laws, 1968) (Approved by American Bar Association, 1968) Sec. 26(a); *Standard Juvenile Court Act* (6th ed. 1959), Secs. 37 & 39. See also *In re Henderson*, 199 N.W. 2d 111 (1972); *Frazier v. Levi*, 440 S.W. 2d 393 (Tex. Civ. App. 1969); *Heryford v. Parker*, 396 F.2d 393, 396 (10th Cir. 1968).

[66] *Cf. St. Ann v. Palisi*, 495 F.2d 423 (5 Cir. 1974) where the Court found a school board regulation to violate substantive due process because it allowed school children to be suspended for their parents' misconduct.

[67] *Brown v. Board of Education*, 374 U.S. 483, 493 (1954).

(From the Reader's Digest, May, 1976)

Our best hope of quelling the vandalism and violence that beset our schools lies not in guards and crackdowns but in improving the schools themselves

Crime in the Classroom

By Warren R. Young

Like a cancer, vandalism, terrorism and turmoil are spreading into schools all across the country, wasting fortunes in hard-to-spare tax dollars and destroying more and more youngsters' chances of learning. A sampling:

- A 14-year-old Fairfax County, Va., girl walked into her high-school rest room and was struck in the back by what felt like a blunt object. In the mirror, she saw blood gushing from a stab wound. A knife had penetrated her left lung. Her assailant: a 15-year-old girl jealous over a mutual boy friend.
- In the quiet, dairy-farm hamlet of Pine Plains, N.Y., a 15-year-old student and a 16-year-old dropout, using sledgehammers, systematically smashed musical instruments, typewriters, audio-visual equipment, toilets and sinks throughout the local high school. Damage: $50,000.
- During one school year, three third-graders in Winston-Salem, N.C., extracted nearly $1000 in "protection" payoffs from intimidated classmates.
- In Los Angeles, a second-grade class was interrupted by an older student who entered the room, put a knife to the teacher's throat, forced her to disrobe in front of her pupils, and then raped her.

For many months, the U.S. Senate's Judiciary Subcommittee to Investigate Juvenile Delinquency has been surveying crime in the classroom. Its findings show that no ethnic group, no socio-economic stratum, no major geographic area is immune. Mobs of teens armed with rocks, knives, handguns, baseball bats or "Kung Fu numb chucks" (pairs of wooden sticks connected by chains) have shut down schools, injured and killed students, or made them afraid to attend sports events —in Oklahoma City, Miami Beach, Atlanta, San Francisco, Las Vegas, Danbury, Conn., Charlotte, N.C., Hagerstown, Md., and elsewhere. A 54-year-old teacher in Philadelphia was shot to death by a junior-high student angry about facing punishment for abusive language. A 15-year-old boy in San Diego walked up to his English teacher in the classroom and stabbed him four times with scissors—just another of the 75,000 serious assaults each year that require teachers to seek medical help. Extortion of money by students from other students has become a million-dollar-a-year racket. The direct dollar damage that vandals do to school property is believed to run more than a half-billion dollars annually—as much as is spent on textbooks.

In desperation, school administrators have tried various counter-measures. They have kept classrooms and toilets locked, prohibited library use except by an entire class at the same time, employed undercover agents (about 28 percent of large school districts have used them), hired hundreds of armed guards, deployed guard dogs, and issued color-coded photo-identification cards with class schedules printed on them.

Such measures have proved no panacea. Several types of "unbreakable" window panes have been devised, for example, including a plastic 250 times stronger than glass. Yet even this did not stop the vandals of Baltimore schools. Finding that they could not break the ground-floor windows any longer, the vandals removed the glazing compound before it had set. This was counteracted by securing glazing strips with screws. The vandals started carrying screwdrivers. So the screws were replaced with pop rivets, and this stopped the destroyers—until they learned to squirt the plastic windows with lighter fluid and ignite them. The windows melted.

As for disciplinary crackdowns, there is no firm evidence that they work. One study indicates that more than a million pupils are suspended each year. Yet misbehavior has not vanished. Those who are permanently expelled as incorrigible—the "push-outs"—rank high among the "outside intruders" who haunt the schools, making trouble. What's more, the "get tough" strategy can create a jailhouse atmosphere which makes real learning almost impossible for all students.

What, then, can be done?

The trouble with the get-tough approach is that it focuses on symptoms rather than attacking the underlying causative factors. There are many. the erosion of old family values and traditional community patterns; the common acceptance of violence, both in "entertainment" and in the news; cynicism bred by the spectacle of hypocrisy and crookedness in high places—anyone can name a dozen. But, in addition, there is the failure of schools to give the child troublemaker what he needs. Though outwardly he disdains the educational system, inwardly he senses that if he gains no tools or talents he cannot get along in the world. It enrages him that other young people are wafted along on a sequence of success and applause while he seems trapped on a treadmill of failure. "Certainly, many American children are getting the best education the world has ever known," says James A. Harris, principal of the Van Ness Elementary School in the District of Columbia and past president of the National Education Association. "But violence and vandalism are a thermometer reporting that our educational system has a fever. When 23 percent of our children fail to graduate from high school, and 11 percent graduate but are still functionally illiterate, the schools are not blameless."

Prof. Mario D. Fantini, dean of education at the State University of New York at New Paltz and author of *Public Schools of Choice*, puts much blame on the mass-production "factory" concept of schools. "The sheer size of institutions with 900 to 5000 students seems to necessitate regimentation," he says. "Students are thrust upon teachers with scant attention to the pupils' individual needs and aptitudes, or the teachers' personality and special talents. When people, including children, get to feel like cogs in a gear-train and are frustrated in their desire for working toward a meaningful life, they will retaliate."

Yet something can be done. A number of communities scattered across the United States have developed programs that show bright promise of answering the students' real needs. Some of these pace-setting districts are relatively wealthy, others impoverished; some are urban, others more rural. But all share one characteristic: they are facing up to the reality of violence and vandalism, not trying to hush up its existence. Four different elements of innovation are common:

Firmness with fairness. Students need to know that their chances of being caught are high if they commit offenses, and that justice will be evenhanded. So, as a first step, the 234 public schools of Maryland's Prince Georges County, hard-hit by increasing violence and vandalism losses, decided on a sophisticated $600,000 burglar-alarm system. It nabbed 106 intruders in seven months, even before it was completely installed.

Second, they recruited several hundred junior- and senior-high volunteers for a Student Security Advisory Council. These students help pinpoint security problems. They also patrol empty classrooms, corridors and parking lots—to spot and report, but not to confront, wrongdoers.

Third, the schools built up a trained staff of 42 professional investigator-counselors, interested in and knowledgeable about students. ("The term 'security guard' is not in my vocabulary," says Chief of Security Services Peter D. Blauvelt.) Last year, they conducted 4500 investigations ranging from theft to homicide.

Result: extortions have gone down 22 percent in one year, possession of weapons down 32 percent, losses due to vandalism, burglary, larceny and arson down 64 percent. These security services are costly, however: $750,000 a year.

Pride of ownership. "I've seen a total change in this community's attitude in four years," says Car Foster, principal of Louisville's racially-mixed Roosevelt Elementary School. "We still have problems, but we've come a long way. We work hard to develop a feeling of community ownership, and that protects the school."

The prescription called for getting parents and neighbors involved in school operations—participating in the hiring of teachers, conferring on curricula, serving as teachers' aides; and for the school staff to help them organize such community services as hauling house-bound residents to dental and medical clinics. In addition, the school was opened for use after hours for popular ceramics courses, bingo, vocational courses and recreation programs.

A second major ingredient was a heavy dose of counseling and guidance for students, instead of stern regimentation.

Now Roosevelt's climate is calmer, and pupils are beginning to do a bit better at studies. During Foster's first eight weeks at Roosevelt in 1971, students averaged 22 "really vicious" fights a week; now there are hardly that many a year. Vandals used to break in almost every weekend; last year it happened only a dozen times.

Help for the handicapped. A clue to one cause of violence and vandalism was contained in a 1969 government report which noted that 75 percent of juvenile delinquents have serious difficulty with reading. Often, the problem is not an I.Q. deficit but a specific learning disability such as dyslexia. In a society based on printed and written words, the child who cannot cope with symbols on paper finds the classroom a torture. No wonder resentment erupts.

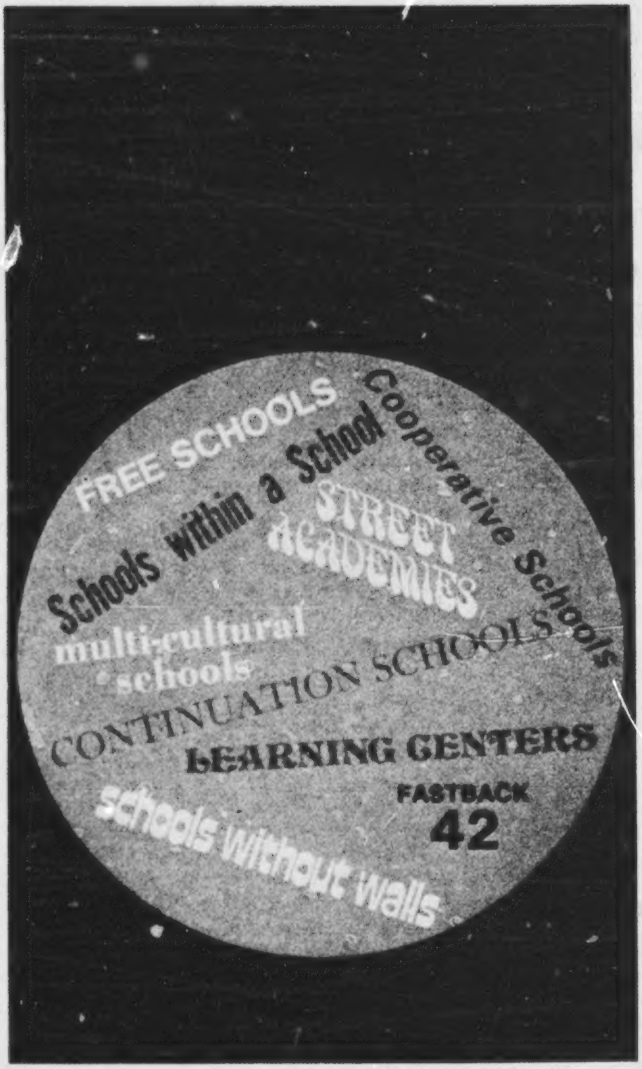
Once-troubled Ossining, N.Y., public schools have developed an outstanding program for helping learning-handicapped children. Diagnosed in kindergarten or the first weeks of first grade, they receive special instruction on a one-tutor-one-child basis. Within three years, most catch up and many surpass their classmates in reading and writing. Such prevention of 12 years of learning frustration seems certain to save some youngsters from resorting to anti-social acts.

Programming for personal goals. "Five years ago it was crazy around there," recalls Donald Holt, former principal of John Adams High School in Portland, Ore. "We had this new $5½-million building in the middle of a high-crime, low-income, dropout-prone section of the city. There was a lot more violence in the school than we needed. We had to completely redesign the educational format—to try to get close to the kids."

The John Adams staff divided the 1200 students into eight "schools-within-a-school," averaging 150 students and seven teachers each. Two of the schools offer traditional, college-preparation courses for college-bound students. Two more "comprehensive" schools combine academic studies and work experience for students who are not ready to commit themselves either to college or to a job. A fifth is a college-exploration school, for students who want to learn more about what college entails. Two are schools for students who plan to work after high school: one gives specialized vocational instruction; the other explores careers for those not yet sure of their field. An evening school is provided for dropouts and students who must work at daytime jobs.

"It really made a significant difference," says Holt. "Now the teachers know every student intimately. The kids feel they belong. There's hardly any violence in the school. Before, there was also a serious related problem of class-cutting, with an average of one student in five missing at any time. In three years we cut that in half. It's exciting to see that schools can re-structure themselves in a way that lets teachers and pupils interact as human beings."

COMMUNITIES differ, and so should their schools. But some combination of humanized, individualized, democratized programs such as these surely holds out the best hope of protection for school property as well as for the lives and limbs—and minds—of America's children.


FREE SCHOOLS
Schools within a School
Cooperative Schools
STREET ACADEMIES
multi-cultural schools
CONTINUATION SCHOOLS
LEARNING CENTERS
FASTBACK
42
schools without walls

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Series Editor, Donald W. Robinson

OPTIONAL ALTERNATIVE PUBLIC SCHOOLS

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All of Indiana University

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INTRODUCTION

One of the hallmarks of a democratic society is the choices its citizens have in important aspects of their daily lives. Citizens in a democracy should expect to have options in government and politics, products and markets, vocations and avocations, places of residence and of work, entertainment and recreation, medical and dental care, transportation, the mass media, education, religion, and social and family life. In all but one of these areas options are available in our contemporary society. For nearly 90% of the families in this country, there are no choices in elementary and secondary education.

Without choice, and even without parental consent, children and youth are assigned to specific schools and to specific classes within those schools. The same situation exists for some teachers and administrators who are assigned to specific schools within a district. This situation is both undemocratic and un-American.

Different people learn in different ways. Many children learn well in our traditional academic public schools. Some children learn better in the differently structured environment of the open school. Others learn better in a school developed on principles of behavior modification. And still others learn better in an individualized, continuous-progress school. The psychology of education—the study of how people learn—is relatively young, less than a century old. Complete theories of learning and corresponding theories of instruction are yet to be developed. What we do know today is that some children learn well in one setting while others learn well in a different setting.

If the lack of choice in public education is undemocratic, and if we know that some children would learn better in different types of schools, why do we assign all children in a neighborhood to one conventional school? The answer, we believe, is that the lack of options in public education is a historical accident. This country will soon be 200 years old. During the first 150 years and probably longer, more learning options were available than are available today.

Private schools have always existed for families who could afford them and parochial schools have existed for those who preferred them. But enrollment in nonpublic schools is at an all-time low today, indicating that these options are available to fewer and fewer students. In the agrarian and frontier society of our first 100 years, children could quit school, and did, for on-the-job training in farming and other occupations. Apprenticeships for children and youth were common.

During the next fifty years, as our society evolved from agrarian to industrial, opportunities for on-the-job training expanded, with many children employed in plants and factories. As late as 1900, twice as many school-age children were working as going to school, many of them under 10 years of age. Whether desirable or not, work was a legitimate learning alternative to schooling for our first 150 years. During this period evening schools were established in some communities to accommodate youths of age nine and over who were employed full time. As more adult laborers immigrated to this country, as labor unions developed, and as child labor laws were extended and enforced, apprenticeships, on-the-job training, and regular work for those of school age became scarcer and scarcer.

At the beginning of this century fewer than 10% of all youth in this country completed high school. Programs of high schools and the grammar schools were academically oriented to prepare those few who would finish high school to go on to college. It was widely recognized that many students did not learn well in this academic setting. Only a minority were expected to succeed. The development of vocational schools, therefore, was an effort to provide an option for many students who otherwise would have dropped out to face a declining (for school-age youth) job market. Optional evening schools survived in a few communities, but as the compulsory school age was extended, students were forced more and more to attend the public school to which they were assigned. By 1950, the vast majority of children and youth had no other option.

Within a relatively short time, certainly less than thirty years (1920-1950), those conventional schools which had been eliminating a majority of students before graduation from high school were expected to provide mass elementary and secondary education for all children and youth. As a nation we had committed our schools to an impossible task, but it took a while for educators, parents, and the general public to realize this.

The Development of Optional Alternative Public Schools

Some communities recognized before others that the single standard school could not meet the needs of all students. Some communities saw the need for starting new schools for talented students, such as Bronx High School of Science in New York City (1938). Some communities provided for dropouts and potential dropouts schools such as the Metropolitan Youth Education Center in Denver (1964). Some communities wanted to change all schools, as in the move toward open elementary education in North Dakota (1965). Other communities attempted to provide optional schools, such as The Parkway plan in Philadelphia (1969).

By 1970, the need for alternatives to the conventional school was widely recognized. Many communities were developing alternative public schools to complement conventional schools in order to make the school systems within those communities more responsive to the needs of all children and youth. In many communities today students, parents, teachers, and administrators have choices among various optional alternative public schools. In the last few years several national reports on education have recommended the offering of alternative public schools. The 1973 *Report of the National Commission on the Reform of Secondary Education* urges that:

> Each district should provide a broad range of alternative schools and programs so that every student will have a meaningful educational option available to him.

The authors of this book have been working with the development of optional alternative public schools for a number of years.

We hope to show how these optional schools provide a means for making public education more responsive to the needs of children and youth in this decade and this century. We believe optional schools will become a vital part of the continuing search for compromise among the educational needs of the individual, of a democratic society, of a technological world, and of future generations.

A DESCRIPTION OF OPTIONAL ALTERNATIVE PUBLIC SCHOOLS

When a community provides optional alternative public schools, the conventional school becomes one option. Usually it is the most popular option. An important advantage of offering optional schools is that this removes the requirement of consensus. Families satisfied with the conventional school still have that option, and for families who choose a different option, the risk is low. If the alternative proves to be unsatisfactory for some students, they can return to the conventional school. Alternative schools will not replace the conventional school; they will complement it so that the alternatives and the conventional school together will provide educational programs that are responsive to the needs of students.

Types of Optional Alternative Public Schools

The optional schools have usually developed as responses to particular needs within their communities. No single model could encompass their diversity, but there are some common types into which the majority of optional alternative public schools would fit.

Open schools provide individualized learning experiences organized around interest or resource centers throughout the building. Open education is not new, but interest in open schools has been growing because of their popularity in Great Britain and because of recent developments in the psychology of learning. The St. Paul Open School is one example; housed in a refurbished warehouse, it enrolls 500 students in kindergarten through grade 12.

Schools-without-walls provide learning experiences throughout the community and offer increased interaction between school and community. Philadelphia's Parkway program, which opened in 1969, was the first and is probably the best known. Others include Metro in Chicago, Genesis (formerly Community High School) in Berkeley, and City School in Madison, Wisconsin.

Learning centers have a concentration of resources in one location available to all of the students in the community. These include magnet schools, educational parks, career education centers, and vocational and technical high schools. St. Paul has developed a network of learning centers at both elementary and secondary levels. Students spend part of the day in their home school and part in an optional learning center. The Skyline Center in Dallas provides learning experiences that cannot be offered in every high school—an aircraft hangar and airstrip, a computer center, and classes in Greek and Swahili.

Continuation schools make provision for students whose education has been (or might be) interrupted—drop-out centers, reentry programs, pregnancy-maternity centers, evening and adult high schools, and street academies. The Metropolitan Youth Education Center, with four locations in Denver and Jefferson County, Colorado, and Pacific Shores High School in Manhattan Beach, California, both in operation for about ten years, have served the needs of thousands of students within their communities.

Multicultural schools emphasize cultural pluralism and ethnic and racial awareness; they usually serve a multicultural student body. Bilingual schools with optional enrollment are included in this category. SAND Everywhere in Hartford, Connecticut, is a multicultural elementary school in a former warehouse. Agora in Berkeley is a high school serving black, Chicano, and white students.

Free schools emphasize freedom for students and teachers to plan and implement their own learning experiences without conventional constraints. This term is frequently used to designate nonpublic alternative schools, but a few free schools are available by choice within public school systems in Berkeley, Minneapolis, and Philadelphia.

Schools-within-a-school operate when a small number of students and teachers are involved by choice in a different learning program. This category includes both the *minischool* within the building and the *satellite school* on another location but with administrative ties to the conventional school. Schools-within-schools usually belong to one of the six types above.

The *complex of alternative schools* has several optional alternative schools housed together in one building and usually under one administration. Haaren High School in New York City; Quincy II in Quincy, Illinois; New School in Cleveland Heights, Ohio; and Ravenswood High School in East Palo Alto, California, are all large high schools which consist of a number of alternative schools or minischools. The conventional program may or may not exist as one of the alternatives.

Cooperative alternative schools exist when one or more optional alternative schools are cooperatively funded and operated by several nearby school systems. In Hartford, Connecticut; Kent County, Michigan; and the Greater Philadelphia area, school districts have collaborated to offer optional schools to students from several communities.

Naturally there may be considerable overlapping among these categories. And some optional alternative public schools would not fit into any of these categories. The Alternative Education Center in Grand Rapids is a school based on behavior modification. The Pratt/Motley Schools in Minneapolis are continuous progress elementary schools. Some alternative public schools operate as voluntary integration models within their communities—in Louisville, St. Paul, Philadelphia, and Chicago, to name a few.

Special function schools that serve students who are assigned or referred without choice should not be considered alternative schools. A school to which disruptive students are assigned may be highly desirable in some communities, but it should not be confused with optional public schools.

Common Characteristics

While alternative public schools have been developed in response to needs within their community, most share some of the following characteristics:

1. As previously stated, the school provides an option for students, parents, and teachers. Usually the choice is open to all within the community, but there must always be choice for some so that the alternative school has a voluntary clientele. The school population should reflect the socioeconomic and racial makeup of the entire community. There is no need for public alternative schools that are elite or racist.

2. The alternative school has as its reason for existence a commitment to be more responsive to some educational need within its community than the conventional schools have been.

3. The alternative school usually has more comprehensive goals and objectives than its conventional counterpart. While most alternative schools are concerned with developing basic skills and preparing students for college and vocations, they are also concerned with improving a student's self-concept, developing individual talent and uniqueness, understanding and encouraging cultural plurality and diversity, and preparing students for various roles in society—consumer, voter, critic, parent, spouse, and so on.

4. The alternative school is more flexible than conventional schools. It is therefore more responsive to planned evolution and change. Since alternatives are being developed in our age of accountability, they rely on feedback and formative evaluation in developing and modifying their curricula.

5. Alternative schools tend to be smaller than comprehensive high schools. The median enrollment in alternative public schools is under 200. Because they are smaller, alternatives tend to have fewer rules and bureaucratic constraints on students and teachers.

Considered collectively, these characteristics indicate that optional alternative schools do differ in significant ways from their conventional counterparts, but these differences are not nearly as significant as the total impact of optional schools on the school system. Each optional school, by being responsive to certain learning needs, helps to create a local school system that is more responsive to the needs of its community. The ultimate goal within any community should be to provide every parent with meaningful choices about his child's education.

Psychological Considerations

Since children learn in different ways and at different times, alternative schools provide a natural arena for exploring the relationships among the learning styles of students, the instructional styles of teachers, and varying learning environments. Research on matching students' learning styles with certain environmental characteristics of conventional and alternative schools is already underway. In the near future it may be possible to design learning environments to meet specific learning needs and styles.

Meanwhile, teachers and others working in optional public schools frequently report beneficial side effects. One of these involves the psychology of choice. Students and parents are more loyal to a school they have chosen than one chosen for them. Teachers are too. Both teachers and administrators report a preference for the student body that is voluntary rather than compulsory. If multiple options are available within the community, the conventional school becomes one of the options, and it too benefits from a voluntary student enrollment and a voluntary teaching staff.

There is also a therapy of involvement associated with the optional schools. When parents, students, teachers, and administrators are involved in planning the program, they establish a healthy interaction which creates a spirit of cooperation hard to duplicate in other ways. This goes well beyond the conventional PTA meeting. If parents, students, or teachers are unhappy with the school system, discussing the need for alternatives provides an outlet for their feelings and a constructive way to use their energies to improve the system.

Whenever we talk with students or teachers from optional schools, they assure us that their school is more "humane" than the conventional school that they were in previously. At least part of this feeling is a response to the smaller size of the optional school. At the secondary level many of these students and teachers have come from high schools or junior high schools that enrolled over 1,000 students. Inhumaneness may be directly related to size. Certainly a school for 6,000 must have more rules and bureaucratic constraints than a school for sixty. In many optional schools students and teachers know the names of every student and every staff member.

Whether it is humaneness or choice, directors of optional alternative schools frequently report less truancy, less vandalism, fewer discipline problems, and less absenteeism. We have observed that both students and teachers tend to stay around after school hours and to show up on days when school is not in session. This all suggests that there are some desirable psychological differences associated with some optional public schools.

Sociological Considerations

Earlier we indicated that choice in public education is consistent with democratic principles, but philosophy is only one part of the complex relationship between a democratic society and its educational system. During the last decade attempts have been made to decentralize the decision-making process in public education. In some communities students, teachers, principals, parents, and other lay citizens feel they have little or no voice in determining what goes on in their local schools. Developing optional public schools provides opportunities for decision making and community participation at the local level. In some communities today new partnerships are being formed among citizens and educators as they plan, develop, and operate optional alternative public schools. Community boards involving parents and other community members are an integral part of alternative public schools in Berkeley, Louisville, and St. Paul.

Optional public schools provide another level of control. When schools are available by choice, the community has control through the consumer—the individual family. Families either choose to send their children to a specific alternative school, or they do not. When only a few families select an optional school, obviously that community does not perceive the need for offering that alternative at that time. On the other hand, if thousands of families want their children in a particular school, this would indicate that the community needs more schools of that type. This is exactly what happened in Philadelphia when thousands of students applied for the few hundred openings at Parkway. Parkway quadrupled its original size by adding three new locations.

Unfortunately, there are still many more applicants for Parkway each year than the available openings.

Optional alternative public schools play a role in the search for solutions to some of our major social problems. In some communities, the optional school is a voluntary racial integration model. In other communities the optional school integrates different socioeconomic classes that would normally be segregated in neighborhood schools. Chicago's Metro, Louisville's Brown School, and the Cambridge Pilot School have voluntarily integrated student enrollments that represent each city's total population. The St. Paul Learning Centers provide racially integrated education in a city whose neighborhoods are racially segregated. Over 95% of the eligible families participate in this voluntary integration program. It is important to note here that the choices these St. Paul families make are educational choices. They choose the Automotive Transportation Learning Center because this educational experience is not available in their neighborhood school. This solution to segregation is quite different from the practice of busing students who do not want to go to schools that do not want to take them.

Many of the attempts to reform education in the last two decades were socially unacceptable because they sought to provide a reformed school for everyone. They required consensus. Even though many parents would like to see changes in the schools, they certainly would not all agree on exactly what those changes should be. The optional school provides a strategy for exploring different modes of education without requiring consensus or compulsion within the community.

Economic Considerations

It is impossible to discuss public education without considering today's economic situation. During the past decade the cost of public education increased at a rate significantly faster than the increase in the national economy. It is unlikely that we will see such a massive increase in funds for public education again in this century.

Optional public schools usually operate on the same per pupil budgets as other schools at the same level within the same community. Some cost more, and many cost less, but in many communities conventional schools also vary in per pupil cost. Sometimes modest funds are necessary for planning and development; sometimes they are not. As a district moves to optional schools, there will probably be transitional expenses, just as there are added expenses each time a new conventional school is opened within the district. In many districts school boards and administrators have found ways to provide alternatives without significant added expense. Who really knows how much schooling should cost? The smaller alternative schools provide opportunities to vary organizational structure and staffing, which would be difficult to try in the larger conventional schools. The alternative school provides a way that a community can seek the optimum level of funding for its schools.

When a community makes multiple options available there is an open market in education, and the consumer—the student and his family—are the judges of the service. This open market creates a healthy feedback from the consumer to the professional educator. If nobody buys the Edsel, it will no longer be produced.

THE POTENTIAL IMPACT OF ALTERNATIVE SCHOOLS

The concept of options in public education does not suggest that alternative schools would replace conventional schools; rather, alternative schools would complement the conventional. Educational reform is not at issue here. What is at issue is the degree to which communities can expand, through choice, the number and kinds of learning environments without increased funds, new buildings, or additional personnel. It is equally important to understand the educational implication and connotation of the term so frequently used in this book, the term "choice." What choice specifically *does not* mean is that teachers and students through daily whim "do their own thing." Freedom of choice in a democracy has never meant license, nor does it in alternative schools. What choice *does* mean is that teachers and students (usually parents and administrative personnel are also involved) in concert, participate in planning, designing, implementing, and evaluating the specific goals, activities, and content essential to the learning process. Through optional alternative public schools the ideals of our democratic, pluralistic society are now becoming essential ingredients of mainstream American education.

Community

The differences within a single community among its people and their social, political, economic, and philosophical values are usually greater than the differences from one community to another. This makes community involvement in public education essential, since our schools can reconcile these basic differences within each community only when such involvement exists. All communities share common needs, and it is these common needs with which state and federal agencies are primarily concerned. But while education responds to common needs, its success or failure nationally can and should be attributed directly to the way in which each local community identifies, discusses, designs, and implements school programs consistent with its own uniqueness. Thus, communities will continue to be an essential element in school improvement.

Education is responsible for influencing the relationship between individuals and the community. A monolithic system cannot respond to the needs of a community and its pluralistic population; a plurality of modes of education can. In many communities where alternative schools exist, the community has significantly influenced the school program. The reverse is also true. School programs are beginning to influence community life outside the school.

Nearly 1,500 communities throughout the United States are currently planning, generating, or implementing optional alternative public schools. Community involvement has been essential in their origin, design, and operation. Open dialogue has resulted in genuine commitment to make schools more responsive to community needs. Parents, the most overlooked educational resource in every community, have frequently become active participants in the normal routine of alternative schools.

The ways in which communities become involved in the development of alternative public schools varies from community to community. A general community position on alternative schools is neither possible nor desirable because educational needs vary from one community to another. What is important is that communities develop alternatives to serve various clienteles, to meet needs not presently being met, and to expand the number of learning environments to accommodate a broader range of teaching and learning styles.

How an alternative school is started depends entirely on what segment of the community first senses the need and to what extent. Students were the first to press for alternative schools in Newton, Massachusetts, and Ann Arbor, Michigan. In St. Paul; Sharon, Massachusetts; and Tuskegee, Alabama, it was parents.

Teachers provided the impetus in Racine, Wisconsin, and Newport Beach, California, and administrators provided it in Seattle and Grand Rapids. With the aid of a USOE grant, the University of Massachusetts started alternative schools in Worcester and Pasadena. Community organizations started alternative schools in Washington, D.C., and Oakland. In Berkeley, Cincinnati, and New Orleans nonpublic alternative schools merged with the public school system. In Denver, Hartford, and Philadelphia several school districts cooperated in the development of alternatives. In Madison, Wisconsin, students, teachers, professors, and administrators planned an optional alternative public school. In short there is no single pattern. We believe the best approach is the one that involves the most segments of the community from the initial planning stage on.

If the community role in public education has been slighted, and in our judgment it has, the optional school concept provides new opportunities and challenges to renew community participation in education. Local involvement and commitment could result in more effective schools and more effective school-community relationships.

Curriculum

Will we ever get away from the three R's (rote, regurgitation, and reward) in our schools? Not in alternative schools if we mean *basic skills*. Alternative public schools are not only emphasizing basic skills, including reading, writing, oral and nonverbal communication, and computation; they are also including technological, personal, social, and aesthetic areas, and human relations. Furthermore, these schools are systematically developing new and different curricula along with the equally important methods, human resources, materials, learning climates, and time utilization that often determine curricular effectiveness. Alternative schoolers are frequently confronted with the misinformed assumption that what goes on in alternative schools is something less substantive with regard to basic skills and overall curriculum than conventional schools. This is simply not the case. The "do your own thing" syndrome, which is often assumed to be the curriculum basis in alternative schools, has no more place in a humane, individualized, open environment than it does in conventional schools.

In observing all types of optional alternative public schools, we have found that they typically have comprehensive sets of objectives covering these six areas: 1) basic skill development, 2) cognitive development, 3) affective development, 4) talent development, 5) career development, 6) role development (citizen-voter, consumer-critic, parent-spouse).

In general, the curriculum in the optional school seems to be more comprehensive than the traditional curriculum of the conventional school, perhaps because tradition acts as a constraint on curricular change. The alternative schools, with little or no tradition, can be more responsive to the curricular needs of their students.

In its broadest sense curriculum includes these six components: persons, places, times, methods, materials, and content. Most alternative schools, in practice, consider *how* these components vary with the uniqueness of the people involved. Briefly, for example, "persons" refers to *all* people participating in the educational process (students, teachers, administrators, parents, and other community members). Teachers are becoming managers of learning activities, facilitators, and guides. Students, beyond being active participants in the learning process, are also involved in designing and implementing their educational activities. Students may become "teachers" of other students. Lay persons play a role, serving as resources, "teachers," and aides. Traditional roles are sometimes blurred, and an individual's role may change frequently. Above all, alternative schoolers perceive education to be a people business.

With regard to the "places" aspect of curriculum, clearly much of what is educationally relevant in contemporary times falls outside of the confines of school classrooms. Learning theorists state that most learning is acquired through experience. Furthermore, people tend to learn more readily what is relevant to their individual needs. Thus, alternative schools have expanded the variety and number of places available in which learning can take place. Of course, a formal classroom environment is suitable for some kinds of learning activities and for some learners.

The formal classroom ought to be viewed as one environment appropriate for some people at particular times. Hence, alternative schools do have some formal classroom activity. The basic difference, then, is that alternative schools are providing a variety of places in addition to the formal classroom as a means of curricular expansion.

Alternative schools provide opportunities for exploring, designing, and developing a broad array of learning facilities. These schools are using a variety of nonconventional facilities available within their communities. For example, the St. Paul Open School is housed in a remodeled warehouse. The Brown School in Louisville began in the lobby of the old Brown Hotel. Other schools have been developed in a separate wing of a conventional school, a few regular classrooms of an existing school, unused elementary school space, or in other available quarters throughout the community.

Utilizing "time" effectively in education is a concern that alternative school personnel are confronting. Learning activities are taking precedence over time. That is, learning tasks are determining time usage rather than having the clock determine the length of a given learning experience. This command of time is very essential since teaching styles and learning styles require variability in the amount of time needed for successful learning. There is no master schedule in some alternative schools. Individual schedules and time constraints are managed within an educational setting instead of starting with imposed constraints and subsequently maneuvering learning tasks to fit such constraints.

Variations in the "methods" dimension of curriculum are being explored in alternative schools. Teachers are encouraged to practice in a manner consistent with their talents, interests, skills, and training. They are encouraged to express their individuality in terms of teaching styles. The same is true with learning styles. Matching of the two is paramount if good teaching and learning are to take place. Teachers practicing any methodological technique are likely to be successful if that technique is a comfortable and natural one. But teachers also attempt to help students determine their learning styles—the ways by which they learn naturally and effectively. Doing what one does best in a climate conducive to the success of a learning activity should produce more effective teaching and learning.

When curricular opportunities are expanded by establishing alternative schools, the availability of "materials" is also expanded. Using community resources automatically offers a wealth of material for both teachers and students. Since students are involved in designing some of their learning experiences, they frequently bring materials or identify materials which will assist them in achieving successfully what they have set out to do. In schools-without-walls, city sidewalks literally become their hallways. Alternative schools necessarily capitalize on the expanded availability of materials, particularly as they relate to a changing and increasingly technological society.

And finally, with regard to "content," often thought of as the major component of curriculum, the significance of alternative school curriculum is based not upon the acquisition of new learning or new information, but rather the attachment of new meanings to information that is already known or readily available. In a technological society, it is impossible to teach or experience all of the new information available in any given decade. What is essential is acquiring skills which will enable people to deal effectively with the significance and meanings of new information. Being able to comprehend, adjust, and cope with new information is as important as the new information itself.

Educators have long recognized that the curriculum should be designed to meet local needs. In the 1950s and 1960s, the trend was to nationalize the curriculum. Alternative schools are bringing the communities back into the curriculum. More specifically, schools-without-walls, learning centers, open schools, and multicultural schools are creating closer community-school ties. Students in alternative schools are spending more time in their communities dealing with their own community's problems. Schools cannot continue to simply reflect the work-a-day-world, they must become the work-a-day-world—and become life itself.

Since one of the more philosophic questions in American education is the degree to which education should either lead or reflect the times and the society, alternative schools are beginning to question status quo education and mirroring society in favor of a leadership role in the improvement of American life.

School Governance

One way to look at governance in education is simply to examine the various leaders in conventional schools. A school board makes basic policies, which in turn are administered by the superintendent and passed along to a principal who gives his subordinates specific directions. There are, of course, sporadic attempts to make the educational system somewhat democratic. Students councils are organized to raise money and sponsor student activities. Parents join the PTA, and in some schools teachers are committeed to death, serving on powerless advisory groups. This is not altogether in vain. As a matter of fact, in many schools governance and decision making are processes which both teachers and students choose to avoid. It is easier to bitch when others make decisions which require only adherence but not the corresponding responsibility. Nevertheless, alternative school personnel report that some form of shared decision making is a basic concept of alternative, humanistic, and responsible educational programs.

Some people assume that alternative schools are leaderless, that no decisions are made, that no one is held accountable, and that what exists are various degrees of chaos. On the contrary, there is leadership, and important decisions are made which are both practical and essential to a democratically operated school. Who is involved in governance and decision making, how people become involved, and when and to what extent they are involved—these questions have as much uniqueness as the very schools they represent. The critical issue that those developing alternative schools need to realize is that all governance matters are determined through discussion in the planning stages so that lines of communications are clear, state regulations and laws are known, and that individual school policies are developed by those who will be subjected to their restraints or conditions.

All too frequently, processes of selecting, sorting, and promoting characterize present day public schools. Similarly, rules, regulations, and policies tend to be the central thrust of governance in most schools. One of the objectives of alternative schools is to create more humane environments. It goes without saying that when people are involved in the decision-making process, they feel less ruled. One administrator of an alternative school recently indicated that the critical thing about decision making, particularly from the students' point of view, is that students do not necessarily want the power implied in decision making, but they want the right to have the power involved in decision making. In other words, they do not want the responsibility for making all decisions; they want the right to participate in decision making on those issues that are most important to them.

Most individuals in alternative schools are interested in good and just decisions and governance. When there is honest disagreement, solutions are arrived at through an examination of the issue by those directly involved. At times negotiations and compromises are necessary just as in other aspects of society. Better decisions result when interested parties are involved in resolving conflicts.

Student Evaluation

Alternative schools lack sophistication in the area of evaluation. (Many conventional schools do too.) To compensate for this situation, alternative school personnel have attempted to accomplish at least two objectives in evaluation. First, they are continuing to use conventional techniques and devices to gather and analyze data. Second, and more important, they are emphasizing the necessity of obtaining data from a variety of sources, not the least of which is simply to ask students and teachers for candid, personal responses about their educational involvement.

Since educational teaming is so much a part of alternative schools, team planning, team teaching, team decision making, and team evaluation are producing more comprehensive evaluation designs, if for no other reason (and there are some others) than they utilize a variety of talents, viewpoints, and judgments based upon what each person brings to a given task. For example, by expanding the choices for teachers and students and emphasizing that decisions about these choices should be shared, more information can be gathered before making the choices. Different people bring different sets of perceptions, resolutions, and solutions, all of which contribute to the evaluation process. The concept of choice must be educationally significant in determining the degree to which teaching and learning is, or is not, taking place.

Many alternative schools have abandoned grading but have increased the emphasis on the evaluation of students. Grading and rank in class have traditionally been required because colleges wanted both for admission. A recent study of colleges and universities revealed that the majority (over 650 four-year colleges and universities and over 700 two-year colleges) admit high school graduates without grades or class rank. Emphasis is being given to competence and performance, not to time spent in class. When an alternative school youngster's progress is compared first with himself and then with that of his peers, the information takes on new meaning. The trend in alternative schools is to evaluate student progress in that order. Perhaps the most important aspect of evaluation in alternative schools is the fact that the very nature of the alternative concept is so much more consistent with what evaluation is all about. Waiting lists to get in are longer, teacher feedback is positive, and community interest is rapidly on the increase. In Cambridge, Chicago, and Philadelphia the alternative schools send a higher proportion of their graduates on to college than do conventional schools in those same communities.

If the educational potential of alternative public schools does little more than to bring sharply to focus the need to diversify our schools, it will have served a worthwhile purpose. Public education will be better for what the concept of choice has given, not only in terms of teaching and learning, but in the ultimate goal of education—to help people live more effectively. No other educational concept or reform effort has had this dynamic potential. If the national trend continues, alternative public schools will exist in the majority of communities in this country before the end of this decade.

PROBLEMS OF THE OPTIONAL SCHOOLS

While the development of optional alternative public schools may have potential for making school systems more responsive to their diverse clienteles, those who are planning, developing, and operating alternative schools today face a number of serious problems. Naturally, the extent and degree of these problems will vary from community to community, but here are some of the common problems that we have observed to date.

In some communities there is a stigma on the alternative school concept. Some people have a conception of the alternative school as a place to send somebody else's children. Because some vocational schools and career education centers have been dumping grounds in the past, because some alternative schools are attempting to meet the needs of dropouts and potential dropouts, and because in some communities disruptive students are being assigned (without choice) to an "alternative school," many parents are already convinced that alternative schools are not for their children. Other people may be more familiar with the nonpublic "free school," which was so much in vogue just a few years ago. They see the alternative school as a place where students and staff have unlimited freedom and where little is taught or learned. Whichever the cause, some administrators, teachers, parents, and community members may be suspicious of attempts to develop optional public schools.

A second problem arises when an alternative school is established prematurely, without adequate dialogue and understanding within the community and particularly on the part of the parents, students, and teachers who are to be involved. Sometimes an enthusiastic board member or superintendent attempts to start an alternative school without analyzing local needs. Or a vested interest group within a community may try to force administrators and board members to establish an alternative without adequately assessing community needs or planning sufficiently. Educational faddism may cause problems too. Just because another community has a successful alternative school is not an adequate reason for every other community to copy it.

Providing adequate planning time for the staff is usually a problem. While time for planning and program development is desirable when any new school is opened, it is essential if that new school is to be an alternative to the conventional. In some communities school boards sold on open education have authorized the construction of new open schools. But sometimes the staffs of these schools have not had time to develop a program before the schools open. Unfortunately, the result is usually a conventional program in an ill-suited building.

An unusual problem is overenthusiasm. In every community at least a few teachers, students, and parents want to get away from the conventional school. They know what they are fleeing from but not what they are fleeing to. In fact, they may have very different and conflicting ideas on what an alternative school should be.

The first alternative school in any community will be a novelty. Accordingly it will probably attract undue attention from the press and radio and television and, therefore, from the community at large. Many alternative schools even attract visitors from outside the community in large numbers. This overexposure creates problems. Some students, teachers, and administrators in the conventional schools are naturally resentful of the alternative because they feel that their schools are effective and are equally worthy of attention. Schools in their first year of operation, whether conventional or alternative, rarely run smoothly and usually have frequent problems. Too much media coverage too soon can make normal developmental problems appear to be major catastrophes to the community at large.

Any time directors of alternative schools gather, they mention the problem of evaluation. This problem seems to be closely related to the lack of adequate time for planning and development. When the school has a clear statement of purpose and when evaluation is integrated into the planning and developmental stages, the evaluation problems are minimal. But it is not unusual to find an alternative school already in operation with its staff just beginning to consider means for evaluation.

In many communities funding is a problem. Throughout this book we have emphasized that alternative schools must be designed to operate on the same per pupil budget as other schools at the same level in the community. If the alternative school is to be housed in a new building already planned and constructed for it, then it would follow the same funding pattern for opening any conventional school. But when this is not the case, and it usually is not, funding problems can be difficult. Considerable administrative planning and negotiating are usually required to transfer funds from conventional school budgets to the alternative school that will enroll students who would otherwise have been enrolled in several conventional schools.

In addition to these major problems—stigma, premature operation, inadequate time for planning and development, overenthusiasm, overexposure, evaluation, and funding—there may be a host of minor problems, including changes in marking and grading practices; student record-keeping procedures; transcripts and college admission procedures; teacher transfers; building codes; fire, safety, and health regulations; and transportation arrangements.

Some types of alternative schools have particular problems. The school-within-a-school faces an additional set of problems. It is difficult to have different rules and regulations for different groups of students within the same building. The problems that arise in this situation are well described by Robert Riordan in the fastback titled *Alternative Schools in Action*. The school-without-walls has a different set of problems. Some communities are not ready to have students scattered throughout the city during normal school hours. In one community city bus drivers refused to let students from the school-without-walls use school tokens in the middle of the day.

Many alternative schools have an additional problem: they are oversubscribed. More students want to attend than there is room for. The result is long waiting lists and some feelings of resentment on the part of those who were not admitted. Each alternative school needs to develop in advance fair and equitable admission procedures. Some schools use a lottery, others use geographic distribution, and some use a combination.

While there are no general solutions to any of these problems, they can usually be worked out by adequate preliminary dialogue among all segments of the community; accurate assessment of the need for alternative schools; sufficient time and resources for planning, development, and implementation; and sincere commitment on the part of administrators, teachers, parents, and students.

SYNERGISTIC EFFECTS OF OPTIONAL PUBLIC SCHOOLS

The development of optional public schools has had a refreshing effect on professional cooperation among institutions and agencies related to public education. But the term *cooperation*, or even *service*, fails to capture the spirit of what is happening, for the relationships that have been developed do not fit well the usual terminology. We use the term *synergism* to describe this new kind of school-college-agency relationship because it conveys more precisely the idea that institutions and agencies working together can achieve an effect in public education they could not achieve alone.

In the past, state agencies and universities have attempted to provide services for public schools. Serving suggests a unilateral quality: one party giving while the other receives. As such, service implies that solutions to problems are handed down from state or university authorities. Also, service activities in the past have too often been useless exercises in which local schools have had no real initiative or commitment to change what they were doing, and the authority-consultant, who assumed no share of the risk inherent in his advice, has often not cared whether the school acted on his suggestions. This relationship also failed to offer opportunities for professional growth on the part of the university or agency personnel.

The synergistic relationships that have grown out of optional public schools are replacing the traditional service approach with a far more productive situation. State departments of education, universities, and professional organizations have joined with public schools to facilitate the development and improvement of alternative schools, and there has also been a positive inverse effect. In some places the development of alternative schools has contributed to significant changes in state graduation requirements, college entrance requirements, teacher education programs, and teacher certification. Nearly everyone has criticized teacher education programs and state and university graduation and entrance requirements, but as long as public school programs were generally uniform, there was little need for significant revision. Alternative schools have changed all that. State departments of education have had to respond to public schools that have developed new curricula that differed dramatically—not only from the conventional curriculum, but also from state requirements.

The Washington State Department of Education, recognizing a general dissatisfaction with graduation requirements and the significant changes occurring in both public education and society, developed a new set of *Guidelines for Developing High School Graduation Requirements.* These new requirements not only provided more flexible procedures for graduation, they also stated, "Alternative learning experiences should be provided for each student within each subject area." Other state departments have assisted school districts in developing alternative and equivalent ways of meeting their requirements. A state requirement of a year in laboratory science might be fulfilled by a course in experimental ecology or a student-initiated research project. The usual year-long requirements in social studies and English might be fulfilled by a series of minicourses or through independent study, or even some type of community internship at local television stations, courtrooms, newspaper offices, or other local agencies.

As state requirements have been relaxed or changed and as alternative schools have developed new curricula, new methods of evaluating pupil progress, new forms of evaluation, and other ways of monitoring learning experiences, colleges and universities have become more flexible in their entrance requirements and procedures. When David Johnston and Jackson Parker were starting Walden III, an alternative public school in Racine, Wisconsin, they discovered that the primary concern among parents was: Will my child get into college if he goes to this alternative school? They promptly sent off letters to all the state colleges and universities in Wisconsin and found that their students would have little trouble gaining admission. A similar situation was found in a survey by Don Glines when he was directing the Wilson School, an open alternative school in Mankato, Minnesota. More recently a national survey of colleges and universities found that the majority were willing to admit students without class rank, grade point averages, and the usual transcript of courses.

Teacher Education Programs

Alternatives have also positively affected university teacher education programs. When public school educators met for the first invitational conference on alternative public schools at the Wingspread Conference Center in Racine, Wisconsin, in April, 1972, they discovered that of the multitude of problems facing the new alternative schools, one of the most critical concerns was teacher education. As school districts began to develop alternative learning experiences, it became obvious that there were few trained or experienced teachers available to operate the new schools. As one administrator put it, "In our entire school district, we found no one who had ever worked in an open school, much less a free school or a school without walls. Oh, we had a few teachers who had read John Holt and Herb Kohl, but nobody had the intellectual toughness and the down-to-earth-know-how to get the thing going."

Finding few teachers who possessed the skills to teach in nonconventional educational programs, some school districts tried to provide their own retraining programs; others simply let their teachers muddle through on their own. Lacking experience and skills, many teachers found the transition to alternative education so demanding that the burn-out rate was high. The educators at the conference cited the need for teacher training programs that related to the staffing needs of alternative public schools.

Responding to this growing demand for nonconventional teachers, a few colleges and universities have created teacher education programs that focus on emerging roles in alternative public schools. The task, however, has not been easy. Often it has meant preparing completely new kinds of teachers with new skills for emerging roles that are poorly defined and still evolving. Trying to design a program to develop teachers for a variety of educational settings has likewise created problems. How could one program develop competent teachers for open schools, schools-without-walls, continuous progress schools, and others? In many alternatives, what we have come to call teacher has been transformed in dramatic ways. Entirely new roles have been demanded by the new schools. But while the task is far from simple, a number of teacher education programs are being developed.

1. *Indiana University:* Indiana University once had a monolithic program for the education of elementary and secondary teachers. Today IU students can choose from among over twenty alternative programs. They may choose to work in multicultural settings, urban or rural settings, or in programs preparing them to teach American Indians, Latinos, or other target groups. One of these alternative programs is a fifth-year program focusing on alternative public schools. The IU Alternative School Teacher Education Program was developed cooperatively by university faculty members and public school personnel. The students are all certified teachers who are interested in careers in alternative schools. The program is built around a year-long internship or residency in an alternative public school. Cooperating public schools provide the interns with a stipend and assume major responsibility for their field training. A public school teacher or administrator serves as an adjunct professor in charge of field experiences for the interns and residents at each site. Current field sites include Louisville, Kentucky; Seattle, Washington; Grand Rapids, Michigan; Racine, Wisconsin; and Oak Ridge, Tennessee. The students select a school setting that they feel is compatible with their skills and interests, and then work as teachers, as administrative aides, or in research and development projects. The IU students have been used by public schools to help conduct needs analyses of their communities, to help plan and develop new alternatives, and to help in strengthening and expanding existing programs. The program provides onsite training for interns, and the interns provide schools with a valuable talent resource for innovation and renewal. IU has also become a leader

in inservice programs for alternative school teachers and administrators; the IU workshops in alternative education attract educators from throughout the country each summer.

2. *New School for Behavioral Studies in Education, University of North Dakota:* The New School, while focusing only on elementary education, has become a center for teacher education programs in open education. The program has attracted large numbers of people who have completed liberal arts degrees and are seeking elementary teacher certification. A key feature of this program is its emphasis on retraining experienced teachers and renewing conventional schools. The program enables experienced teachers to return to the New School to learn open education skills while their classrooms are being taught by students in the graduate program. The schools become field training sites for teachers-in-training to test out their ideas while the regular teachers develop new skills at the New School.

3. *University of Massachusetts:* The National Alternative Schools Program has developed a unique relationship with a number of alternative public schools. The university provides comprehensive consultation, research and development, and staff training for cooperating alternative schools; the schools in return become training sites for prospective teachers. The program is currently working with alternative schools in California and Massachusetts. On the assumption that no one knows the best way to prepare each person for each teaching role, the program allows students maximum choice in "where, how, and for what" they will prepare.

4. *Mankato State College:* The Studies for Educational Alternatives is a program at Mankato State College in Mankato, Minnesota, which offers students an open alternative for teacher education. The program includes three individualized components: 1) The Experimental Studies Program for undergraduate general-education and nonmajor students; 2) The Experimental Master's Degree offering a completely individualized graduate program for both teacher and nonteacher candidates; and 3) The Wilson Alternative Lab School, housing programs from nursery age through high school. The Wilson School provides prospective alternative school teachers with valuable teaching experiences in a flexible, nonconventional educational setting.

5. *San Francisco State University:* Since 1970, the School of Education of San Francisco State University has had a program for preservice secondary teachers interested in alternatives. Field experiences are available in alternative schools and programs in San Francisco, Oakland, Berkeley, Mill Valley, and San Rafael. Seminars are held in which the field experience is explicated. On two occasions students have had opportunities to become involved, not only in working in an alternative, but in the organization and establishment of an alternative. The field experience is available either as paraprofessional or as student teacher or as both.

Teacher education programs also exist at the University of Pennsylvania, the University of Minnesota, the University of Cincinnati, Lehman College of CUNY, and an especially interesting program in humanistic open education at the University of Florida.

A number of other colleges and universities have initiated courses on optional public schools. Such courses can be found at Central Michigan University, California State University, Glassboro State College, the University of Colorado, Washington University, and the University of British Columbia.

Many alternative schools near colleges and universities with teacher education programs rely heavily upon those programs for paraprofessionals, interns, and student teachers. These schools have in turn had a very real influence upon teacher education programs.

State Departments of Education

Besides the important work of revising graduation requirements and assisting schools in developing equivalent ways of fulfilling requirements, state departments have also conducted descriptive surveys of alternative public schools in half a dozen states and published state and regional directories. They have held or cosponsored regional and state conferences and workshops to help public school educators familiarize themselves with the idea of alternatives and to help them gain new skills and exchange information. The state superintendent's office in Illinois has gone even further. The state office has developed the Illinois Network for School Development, a program that when fully established will have developed new educational programs for no less than 135,000 students through forty-five affiliate schools. The network is primarily designed to act as a catalyst and a support system, and while it has provided ten school districts with $10,000 each for starting costs, it is working to maintain all alternative affiliates at existing per-pupil cost. The network enables each local alternative to develop its own priorities, but it emphasizes the need for career education, individualization, comprehensive evaluation, and equal educational opportunity for all. State departments in California, Florida, Indiana, New Jersey, New York, and Washington are also encouraging the exploration and development of optional public schools.

Institutional and Organization Support

The development of alternative schools has also attracted the help of a number of diverse organizations and institutions. Professional associations such as the National Association of Secondary School Principals, the National Education Association, the National Elementary Principals Association, Phi Delta Kappa, the Association for Supervision and Curriculum Development, and the National Council for the Social Studies have all featured optional public schools in their journals. Alternative public schools have also been included on programs at annual meetings of the American Association of Colleges of Teacher Education, the American Association of School Administrators, the Association for Supervision and Curriculum Development, the National School Boards Association, and the National Association of Secondary School Principals.

Several new organizations have also been developed to assist optional public schools. The International Consortium for Options in Public Education (ICOPE) was created in order to help operating optional schools assist one another. ICOPE has done this through the newsletter, *Changing Schools*, position papers, a directory of alternative public schools, and through regional, national, and international conferences. Over 4,000 teachers, administrators, students, and parents have attended ICOPE regional and national conferences in the last two years.

The Center for New Schools, located in Chicago, has assisted alternative schools through the development of evaluation models and indepth case studies of alternative schools, and with a recent grant from the Carnegie Corporation, it is now assisting several schools districts in the Midwest to start alternatives.

The Experimental School Program of the National Institute of Education has funded alternative schools in Berkeley and Minneapolis and has developed evaluation models plus a body of research information on alternative schools.

Alternative schools have also attracted the support and cooperation of social agencies not usually associated with public education. In Bloomington, Indiana, the Community Action Program was instrumental in starting an alternative school in cooperation with the local public school district. In South Bend, Indiana, and Grand Rapids, Michigan, street academies were initially developed under the Model Cities Program and then incorporated into the local public school system. Other alternatives have been supported by local business and industry.

Throughout their short career, optional alternative schools have provided new avenues of cooperation between parents, students, teachers, and school administrators, and they have also caused communities, state agencies, organizations, and institutions to join together in a new spirit of synergistic cooperation and support.

RENEWAL IN PUBLIC EDUCATION

During the last two decades monumental amounts of money, energy, talk, and print have been devoted to educational reform. Yet many feel that the schools of today are not significantly better than the schools of 1950. As Ruth Weinstock says in *The Greening of the High School:*

> This, then, is the condition which confronts us: though youth is no longer the same, and the world is no longer the same, high schools are essentially unchanged from what they were at the beginning of the century.

We assume that the term "educational reform" means a significant improvement that would affect a majority of the schools and a majority of the students. If this definition is correct, we must conclude that the much-heralded educational reform will not come in this decade, and in all probability not in this century. Educators and parents concerned about the need for more effective schools are not likely to discover or invent the panacea they seek.

Instead they will have to settle for the relatively random development of alternative modes of education which meet individual community needs. If the development of optional alternative schools continues to burgeon, this local response to local educational problems will have definite advantages over the panacean reform that many have been seeking. We like to think of this development as a strategy for self-renewal in public education.

Among the futurists there seems to be general agreement that the educational systems of the future will have to provide a wide range of learning options for all citizens. The widespread but scattered development of individual alternative public schools will provide a foundation and a model for developing learning options that will be required by our future society. Meanwhile, establishing optional schools within the community is a simple and effective way to provide a total educational program responsive to the needs of all families in the community.

This strategy has the advantage of immediate impact. Any community where some citizens are concerned about the schools can plan and develop one or more optional schools now. Unlike major reform efforts, which require years of planning and development, the optional school strategy involves less planning and more action. Typically parents, teachers, and students in many communities start planning one year for a school that is in operation the following year.

Other advantages of this strategy have been pointed out elsewhere in this book. They include community involvement, low cost, low risk, accountability to the consumer, and increased commitment on the part of students, parents, and teachers to what is chosen rather than compulsory.

The International Consortium For Options in Public Education

In 1971, after several meetings of educators involved in the development of optional alternative public schools, the International Consortium for Options in Public Education (ICOPE) was established. ICOPE is an ad hoc group of people and institutions which seeks to encourage the development of optional alternative public schools in public education in this decade. By 1974, the consortium had over 500 members from over forty states, five Canadian provinces, Australia, Denmark, England, France, Germany, Norway, and Sweden, representing several hundred individual alternative public schools, plus public school systems, teacher education institutions, state departments of education, individual students, teachers and administrators, community groups and individual community members, education related organizations, foundations, and other interested individuals and groups.

The consortium, with executive offices in Indiana University's School of Education, publishes a newsletter, *Changing Schools,* and acts as a clearing house for information on alternative public schools. The consortium sponsors regional conferences throughout the United States and Canada and plans program sessions for national educational conventions. The consortium also provides consultant services, intervisitation arrangements, personnel exchange, and other services to its members. Over 1,000 persons attended the consortium's First International Conference on Options in Public Education in Minneapolis in the fall of 1973.

Many members of the consortium were engaged in efforts to reform public education in the sixties. They now believe the development of optional alternative public schools provides the most promising strategy for educational renewal in this decade. While recognizing that the thousand-plus alternative public schools in operation today have not yet had significant effects on the mainstream of public education, advocates of alternatives believe that the development of options has significant educational and social potential.

Conclusion

Mario Fantini said in a speech in Vancouver:

> The development of public schools of choice is the only major movement in American education today.

And Neil Postman wrote in *The Last Supplement to the Whole Earth Catalog:*

> All of the reforms that will take place in education in the next decade will have their origins in the alternative school movement.

Whether Fantini and Postman are right is not at issue here. For those of us who have worked with the development of optional alternative public schools in recent years, the potential of public education in the future is exciting. The development of optional public schools within a community:

1. Provides schools through choice rather than compulsion.
2. Provides ways to make schools more responsive to the pluralistic needs of the community.
3. Provides a structure for continued change and renewal.

4. Provides an arena for the trial of new patterns of organization, staffing, and financing.
5. Provides vehicles for the trial of promising concepts in learning and teaching.
6. Provides opportunities for new cooperative relationships among public school systems, teacher education institutions, professional organizations, and governmental agencies.
7. Provides strategies for the decentralization of decision making and control.
8. Provides an organizational structure that will be more responsive to change and to the needs of the future.
9. Provides a community forum for the reconsideration of all aspects of education.
10. Provides opportunities for students and teachers to have more significant roles in determining learning experiences.

Bruce Howell, superintendent of schools in Tulsa, Oklahoma, describes the prospects of alternatives clearly:

> As for me, I see unity through diversity. A diversity in educational design that will permit parents moving from Houston, New York, or Los Angeles to find a curriculum program and an organizational pattern amenable to their thinking. . . . Flexibility and diversity are difficult to manage but, to me, the alternative to diversity is educationally untenable. The alternative is standardization and conformity. It is untenable because now in education we speak of uniqueness, of individuality. This mandates alternatives.

This book and others in the series are made available at low cost through the contribution of the Phi Delta Kappa Educational Foundation, established in 1966 with a bequest by George H. Reavis. The Foundation exists to promote a better understanding of the nature of the educative process and the relation of education to human welfare. It operates by subsidizing authors to write booklets and monographs in nontechnical language so that beginning teachers and the public generally may gain a better understanding of educational problems.

The Foundation exists through the generosity of George Reavis and others who have contributed. To accomplish the goals envisaged by the founder the Foundation needs to enlarge its endowment by several million dollars. Contributions to the endowment should be addressed to The Educational Foundation, Phi Delta Kappa, 8th and Union, Bloomington, Indiana 47401. The Ohio State University serves as trustee for the Educational Foundation.

THE POLICE SCHOOL LIAISON
OFFICER PROGRAM
IN THE
NEW YORK CITY PUBLIC SCHOOLS

JUNE 22, 1973

LT. MILTON KIRSCHNER
YOUTH AID DIVISION, N.Y.P.D.
MEMBER, SCHOOL STABILITY TEAM

MR. EDWARD MUIR
CHAIRMAN
SCHOOL STABILITY TEAM

BOARD OF EDUCATION, CITY OF NEW YORK

POLICE DEPARTMENT, CITY OF NEW YORK

BOARD OF EDUCATION OF THE CITY OF NEW YORK
110 LIVINGSTON STREET, BROOKLYN, NEW YORK 11201
OFFICE OF THE CHANCELLOR

June 22, 1973

Mr. Irving Anker
Chancellor
New York City Schools

Mr. Roosevelt Dunning
Deputy Commissioner
New York City Police Department

Gentlemen:

We are transmitting to you our report on the Police - School Liaison Officer Program in the New York City schools. We feel that the program has proved its worth and provides a new high quality approach to the problems of school age youngsters.

The program is not essentially security or safety oriented but there have been positive outcome in these areas as well. Best described, the project is an inter-agency, school based, prevention program.

It is our hope that after reading this report, that you will accept the recommendations so that the program will continue and that the quality of the pilot poject is maintained in any future expansion.

We are grateful for your continued interest and encouragement.

Sincerely yours,

EDWARD MUIR
Board of Education Member
School Stability Team

LT. MILTON KIRSCHNER
Police Department
Member, School Stability Team

INTRODUCTION AND ACKNOWLEDGEMENTS

The School Liaison Officer Program represents an inter-agency effort on the part of the Board of Education and the Police Department. Like the School Stability Team concept, it goes beyond cooperation to team work on a daily basis.

This program was planned by the School Stability Team and Youth Aid Division staff in the Spring Term of 1972. It was instituted in September 1972. This paper is an evaluation of the first year of operation.

This report, like the program, is a joint Board of Education-Police Department project. There have been many people in both agencies who have contributed and assisted in the development of the project. During the planning stages, Deputy Commissioner Benajamin Ward and Acting Chancellor Irving Anker were instrumental in getting the project off to a smooth start. Deputy Inspector Richard Dunne, Commanding Officer Youth Aid Division, then a member of the School Stability Team, was along with Mr. Charles Wilson, responsible for consultation with the Community School Boards and individual schools. Inspector Dunne was also responsible for training of the Police and Board personnel.

We are indebted to the Community School Boards of Districts 15 and 27 and to Community Superintendent Rose Schwab and Deputy Community Superintendents Gerrold Glassman and Albert Melov for their courage and enthusiastic support for a new concept in their schools.

Former Police Commissioner Patrick V. Murphy initiated the program. He sent a study group to Flint in 1971 to evaluate the Flint program and to prepare a feasibility report on the application of the Police Liaison Program for New York City Schools.

Commissioner Donald Cawley has recognized the value of the program and has provided for continuation and expansion.

We would like to thank Mr. Henry Ruth of the Criminal Justice Coordinating Council for providing the grant which allowed for optimum training and preparation.

We are also indebted to the United Federation of Teachers and its President, Albert Shanker for also providing funds for the training of school personnel in Flint.

If the pilot project has been a success the people most responsible are the twelve Police Officers:

Ethel Breslin
Edward Cassamisina
Paul Draghi
Mary Duignan
Michael Gaffney
Marcia Groehl
Sherry McGeough
Fred McKenzie
Bernard Ostrofsky
Ann Powers
Kay Prescott
Shiela Ryan
Frank Santangelo

Lt. John Pribetich and Sgt. Raymond Moore, supervisors of Youth Aid Units 11 and 15 provided on-site supervision. The project and its evaluation was coordinated by Lt. Milton Kirschner.

We are also indebted to the staff of the Deputy Chancellor's Office; Elizabeth Ritter, Helen Millio, Ellen Thingelstad and Maureen Sousa for providing secretarial services and assistance to the Team.

EDWARD MUIR
Chairman

RATIONALE FOR THE SCHOOL LIAISON OFFICER PROGRAM

One of the dominant topics in education for the past few years has been school crime and how to prevent it. The rise in the rate of crimes committed against persons and property in schools has prompted school boards across the country to make major investments in school safety programs.

This rise in school crime is part of a larger problem. Crime committed by young people now comprises the major part of all crime statistics. Narcotics and gang problems are an equal plague to the school and community. Yet school personnel, in many cases, try to deal with school crime in a vacuum. In 1972, 145,083 young people under 21 were in trouble with the law in New York City. This figure represents the total of arrests and Y.D. reports issued to minors. For youngsters under 16, there were 70,965 Y.D. reports and 21,553 arrests. It is alarming in a year where overall crime statistics are down, 21.2% more youngsters under 16 years of age were arrested in 1972 than in 1971. The percentage increase since 1950 is 529.7%.

One out of every six boys in the United States will be referred to juvenile courts for delinquency before he is 18 years of age. Approximately half of these boys have not committed crimes which bring adults to trial. However, more crime is now committed by children under 15 years of age than by adults over 25.

Between 1960 and 1971, there has been a 106.8% increase in arrests of youngsters under 18 for Part I offenses (felony category). In 1971, 2,250,000 children were arrested nationwide. The number of arrests of children under 18 increased by 124% from 1960 to 1970.

For persons over 18 years of age there was only an 18% increase. (Statistics provided by the New York City Police Department and the F.B.I.)

Along with this epidemic, there has been a correlating growth of an attitude of contempt among many young people for the Police, law, school authority -- the establishment in general. Research indicates that these views are formed during early adolescence - during the Junior High School years.

The Board of Education has not developed a program addressed specifically to juvenile crime. It is expected that the classroom teacher will nurture in the pupils a value system conducive to productive citizenship. The Board has also maintained schools for the socially maladjusted. Drug abuse programs like Spark have been introduced in recent years. The growth of guidance programs is also a response to the recognition of alienation on the part of young people. However, the standard school answer to the broad spectrum of juvenile crime has been recreation programs. The idea being that if kids are shooting baskets they won't be getting into trouble.

The Police Department, with the PAL, has subscribed to the same theory. The Youth Aid Division has the primary responsibility for dealing with children under 16 years of age who come to Police attention. This division will conduct interviews with parents and children who have been the recipients of juvenile reports (a non-arrest process). They make referrals if needed to various local agencies as a result of these reports. It is interesting to note that 3,076 referrals in 1971 were made to the Board of Education. This points to an interesting inter-agency problem. A school official may call the police to deal with a youngster who has committed a delinquent act. The police officer will write out a Juvenile Report which will go to the Youth Aid Division for processing.

The Youth Division Officer may well refer this child to a Board Agency. More Y.A.D. referrals were made to Board of Education agencies than to any other public or private agency in 1971. The Police Department looks on the Board as the agency capable of dealing with a great many children who are in trouble with the law.

The school is such an agency, however; it is capable of more in the prevention field than in the area of correction. The school provides an ideal situation to affect a positive prevention program. Teachers and counselors are the first to spot pre-delinquent behavior patterns. The school is the logical place for the Police Department to make a significant prevention input. The Police-School Liaison Program is designed to put the right people in the right place to enable the school and the community to better cope with the problem.

This view is shared by the Youth Development and Delinquency Prevention Administration of the federal government. In a booklet entitled Delinquency Prevention Strategies written by La Mar Empey and Steven Lubeck, it states the following:

> " The increasing tendency for the public, indeed the schools and many other agencies, to look to the police, the courts and corrections is contradictory to them. Not only does this tendency tend to exclude the family, school, and community from responsibility, but it overlooks the fact that the most effective social control occurs only when young people are linked to, and have a stake in, these institutions, not legal ones. The latter are totally peripheral to the life space of the child. Thus, societal asperations for the juvenile justice system far exceed its capacity to produce results. The search for answers will have to focus even more than it has in the past upon the home and school.
>
> In terms of operational guidelines, therefore, the following might be considered for the young target population: a. Since it is usually in school where problems are first indentified, the school should occupy a central position in the prevention program.

> Ameliorative efforts should be an integral part of the school, not an appendage to it. b. Planning for any new program, and the conduct of the pilot study should involve the school from the very beginning. c. Funding for a prevention program should provide a high level of support for the school so that it might address the difficulties of children in a more effective way."

It is obvious that prevention should be the area of major concentration. The situation in the juvenile justice system does not bode much promise for the future. The Police-School Liaison Officer Program is the first inter-agency school based venture in the area of prevention of juvenile delinquency in New York City.

This program attempts to create an active and positive role for the police while maintaining a high level of security for the schools. The officers assigned to the schools attempt to do the following:

Identify and attempt to correct pre-delinquent behavior in pupils.

Attempt correction of behavior which is anti-social and/or delinquent.

Affect attitudinal changes in pupils in reference to the Police, law and society.

Provide additional security for the school population.

THE PROGRAM IN OTHER CITIES

Police School Liaison Programs have been in operation in many cities in the United States and Europe for more than a decade. The program originated in Flint in the late fifties. The following will be a brief description of the program as structured in these locations.

Flint

This program utilizes police detectives. They do not use the team approach. The officer is part of a Counseling Team which is composed of the principal, nurse, community school director. The aims and methods are similar to the New York Program.

Detroit

In this city the program is called the School Assistance Program. It is staffed by Police sergeants and officers. The program began in 1971 and has remained confined to a small number of schools.

Minneapolis

This program places an officer in every junior high school. These officers are responsible for the investigation of crimes committed in the junior high and elementary schools. An evaluation of the program cited a decrease in complaints since the inception of the program in 1966.

Los Angeles

The Los Angeles operation is a program geared to high schools. The officers have teaching certification. They are responsible for the security of the building and teach regular classes in the area of law and justice.

St. Louis County

The only other city to use the team approach is St. Louis. The teams are composed of the officers and juvenile court officers and guidance counsellors. There are six teams which services all levels of schools. An evaluation conducted by St. Louis University indicates that the program is effective in reducing juvenile delinquency.

The School Liaison Program also exists in other cities including: Syracuse - New York, Dallas, Miami, Louisville, Cincinnati, Atlanta as well as cities in the United Kingdom and Sweden.

SUMMARY OF THE INTERIM REPORT

December 21, 1972

Description of the Project

The Police-School Liaison Officer Program is a cooperative pilot project undertaken by the Board of Education and the Police Department. The project was instituted in September 1972 and is now in operation in two community school districts. They are District 15 and District 27. The program involves twelve Youth Aid Division police officers who service twenty-four schools.

The basic aim of the pilot project is to assess a different role for police in the schools. Heretofore, the police role in the schools has been passive and negative, that is a traditional police function of providing security and making arrests. This program attempts to create an active and positive role for the police while maintaining a high level of security for the schools. The subsidiary aims are as follows:

. . . Affect attitudinal changes in pupils in reference to the police, law and society.

. . . Identify and attempt to correct pre-delinquent behavior in pupils.

. . . Attempt correction of behavior which is anti-social and/or delinquent.

. .. . Provide for additional security in the schools.

These aims are to be achieved by a variety of techniques and activities. They include the following:

. . . Classroom presentations.

. . . In-school, informal conferences with pupils and parents.

. . . Cooperation with teaching and guidance staff.

. . . Home visits.

. . . Referral to various social agencies.

. . . Morning, lunch and dismissal patrols.

In February 1972, at meeting between Deputy Chancellor Irving Anker and Deputy Commissioner Benjamin Ward, the program was outlined and approved. The School Stability Team guideo the project through the maze of consultation. The Team was assisted by Dr. George Patterson, Special Assistant to the Chancellor.

Several potential problems were identified during the planning stage of the program. Included among these problems were: relationship to guidance personnel, involvement in school discipline, involvement in school security and arrest.

Through a series of meetings with Community School Boards, District Superintendents, professional staff, parents groups and the UFT, certain guidelines were developed to insure that these potential problems could be avoided. Guidance Counselors and Resource Officers would work cooperatively, however the Counselor's professional judgement would be maintained in all cases. The officers, it was agreed, would not be involved in normal school discipline procedures. Patrol functions would be limited to morning, lunch, and dismissal. These patrols are low key in nature. The officer may eat with the children in the lunchroom or play ball with them in the yard. He or she is providing security but, at the same time, relationships with the children are developed. The officers are to take a person into custody only in an emergency. If an arrest is indicated, a patrolman from the local precinct is called. If at all possible, arrests are to be made in the principal's office.

All of the School Resource Officers, as well as selected school supervisors and guidance personnel received training in Flint, Michigan, last Spring. (Flint has operated a similar program for ten years). This training was paid for by a grant from the Criminal Justice Coordinating Council and additional funds were provided by the United Federation of Teachers. The School Resource Officers also received additional training at the Police Academy on the topic of Law and the schools, and narcotics. In addition they attended a summer program in human relations at Adelphi University.

The program is closely supervised by both Board of Education and Police Department personnel. Mr. Edward Muir, Chairman of the School Stability Team, is monitoring the program for the Chancellor's office. The school districts concerned provide additional supervision. In each school, an assistant principal has been assigned to the program.

The Police Department provides central and field supervision. The Commanding Officer of the Youth Aid Division, Deputy Inspector Richard Dunne, who was a member of the School Stability Team, was instrumental in establishing the pilot project. Lieutenant Milton Kirschner, the present Police Department member of the School Stability Team is the project coordinator. The officers are also supervised by field unit commanders of the Youth Aid Division. They are required to keep an activities log and to make weekly reports.

Each district is provided with three teams of Youth Aid Officers. A team consists of a patrolman and a patrolwoman. A backup patrolman and patrolwoman were used during extended absence of School Resource Officer in each district - i.e., (Policewoman Prescott went on maternity leave and was replaced by Policewoman Powers - no transitional problems). The primary responsibility of the patrolman is to that junior high school while the patrolwoman divides her time among the elementary schools which "feed" into the junior high school.

TABLE I

District 15

Schools	Officers Assigned
JHS 142	Patrolman Ostrofsky
PS 58	
PS 27	Policewoman Groehl
PS 15	
JHS 136	Patrolman Cussamisina
PS 1	
PS 94	Policewoman Breslin
PS 172	
PS 169	
JHS 51	Patrolman Droghi
PS 39	
PS 124	Policewoman Powers
PS 282	

District 27

Schools	Officers Assigned
JHS 180	Patrolman Santangelo
PS 114	
PS 183	Policewoman McGeough
PS 225	
PS 47	
JHS 198	Patrolman McKenzie
PS 42	Policewoman Ryan
PS 105	
IS 53	Patrolman Gaffney
PS 104	
PS 197	Policewoman Duignan
PS 215	

TYPICAL ACTIVITIES OF RESOURCE OFFICERS

Table III provides an example of a composite day as drawn from the reports of the officers.

TABLE II

A Normal Day's Activity of a School Resource Officer

8:15 - 9:00	Patrol outside of school
9:00 - 10:00	Conference with parent and pupil
10:10 - 10:50	Classroom presentation
10:50 - 11:30	Home visit
11:30 - 12:00	Conference with Guidance Personnel
12:00 - 1:00	Lunch with pupils - patrol

1:05 - 1:45	Class presentation
1:45 - 2:45	Conference with pupils
2:45 - 3:15	Patrol
3:15 - 4:15	Rap session and play ball with youngsters in After School Centers

However, a normal day's activity does not always conform to plans and the officers are often called upon to speak at evening parent and community meetings. Officer Bernard Ostrofsky was asked to outline his work day of November 27th. The officer and the day were selected at random. The following is a description of Officer Ostrofsky's work day on that date:

> At 7:30 A.M., Officer Ostrofsky reported to the 78th precinct for inspection and to work on YD cases. These are Youth and Division referrals that he made concerning pupils in JHS 142. From 8:45 to 9:15 the officer patrolled the area around the school. At 9:30 he made a classroom presentation to a eighth grade class on the topic of alienation in society as a cause of crime. A visit was made at 10:45 to the home of a pupil who assaulted a teacher. While engaged in an intruder prevention check at 11:30 the officer spoke to a parent who claimed that her daughter had run away from home.
>
> The officer, during lunch patrol, spoke to several students who were friends of the girl. They indicated that the girl could be at a pizza shop about ten blocks from the school. Accompanied by Patrolwoman Groehl, Officer Ostrofsky toured the area. They found the girl about eight blocks from the school. At 1:20 P.M. the Resource Officer team met at the school with both parents and the girl. Problems were explored and approaches to solutions developed. Outside patrol was conducted as usual at 2:40 P.M. Another home visit was made by the officer at 4:10 P.M. This visit was made in reference to a YD referral for truancy. At five o'clock that afternoon Officer Ostrofsky went to the After School Center to play ball with the youngsters. At six that evening he was present at an "Open House" held at JHS 142. He met with forty parents, including the mother of the child involved in the first home visit. The Guidance Counselor was also present for the discussion of this problem. The "Open House" was concluded at 9:30 P.M.(See appendix for weekly activity sheet of School Resource Officer)

Evaluation By Principals

A questionnaire was sent to the principals of schools involved in the pilot project. The survey was designed to obtain general reactions to the program. It was determined that a more detailed evaluation would be premature at this date. A final evaluation will include an attitudinal study of the children involved and a comparison of this year's reported incidents with those reported in the past. The series of tables which follows demonstrates the result of the survey. All schools responded.

TABLE III

Total Response From All Schools

	Excellent	Good	Fair	Poor	No Response No Knowledge
Effectiveness in dealing with pupils and their problems	16	4	-	-	4
Relationship with parent and community	14	6	-	-	4
Relationship with staff	14	6	-	-	4
Relationship with Administration	18	2	-	-	4
Estimate of overall effectiveness	16	4	-	-	4

TABLE IV

Response from District 15 Schools

	Excellent	Good	Fair	Poor	No Response No Knowledge
Effectiveness in dealing with pupils and their problems	7	2	-	-	3
Relationship with parent and community	6	4	-	-	2
Relationship with staff	6	4	-	-	2

TABLE IV

Response from District 15 Schools (Cont'd)

	Excellent	Good	Fair	Poor	No Response No Knowledge
Relationship with Administration	7	2	-	-	3
Estimate of overall effectiveness	7	2	-	-	3

TABLE V

Response from District 27 Schools

	Excellent	Good	Fair	Poor	No Response No Knowledge
Effectiveness in dealing with pupils and their problems	9	2	-	-	1
Relationship with parent and community	9	2	-	-	2
Relationship with staff	8	2	-	-	2
Relationship with administration	11	-	-	-	1
Estimate of overall effectiveness	9	2	-	-	1

The schools that responded that they could not evaluate or had no knowledge were all elementary schools. This was due to pressure in the matrix school. In the other cases it was due to the fact that the policewoman had been in the school only once a week and the principal felt that it was too early to make an evaluation.

It is interesting to note that all of the Junior High Schools involved rated the program excellent in every category.

Principals were also asked to give suggestions for improvement. Most of the elementary school principals would like to have the policewoman come more frequently. Several suggested that the program would be better if the officers were bilingual. Others also felt that more Black officers would be helpful.

RECOMMENDATIONS

Continuation and Expansion

It is the recommendation of the School Stability Team that the program be continued and expanded.

Police Department funds are not available for expansion of the program. Safe Streets Act monies are earmarked only for equipment and training purposes.

If the Chancellor and the Board agree with the recommendations for expansion, several areas of funding should be explored. The alternatives seems to be the following:

. . . A joint grant from federal and/or state to both Police and Board.

. . . A grant only to the Board from federal or state sources.

. . . Foundation grants to the Board or Police.

Greater Utilization

The program as presently constituted or in an expanded version could serve as a training laboratory for both Police and Board of Education safety personnel. (It is our recommendation that all police officers assigned to school be given this fundamental training).

We would also recommend that selected student service officers be given on-site training in schools where the program is operating.

PLANNING AND INTRODUCTION OF PROGRAM
FEBRUARY 1972 - AUGUST 1972

As mentioned in the interim report, Board of Education approval was given to the then Deputy Commissioner Ward by the then Deputy Chancellor Anker in February 1972. Subsequent to that meeting, the School Stability Team held several meetings for the purpose of site selection.

Many community school districts were considered, including 6, 10, 15,27, and 31. Each area was visited and analyzed for suitability. Districts 15 and 27 were selected as the optimum areas for the pilot project. The rationale for the selection included the following considerations: The schools were integrated. There was a minimum of inter-district promotion from elementary to junior high schools. Finally, the schools were middle range in the area of safety problems and case activity for the Youth Aid Division.

Personnel for the program were selected from 30 applicants from the Youth Aid Division. Criteria for selection included: education, motivation, police personnel record, special qualifications and skills. Ten officers were selected.

The original plan called for the placing of a team (male-female) in two junior high schools in each district. One team was to be trained and used as a reserve. Staff selections were completed in April 1972.

The School Stability Team with the assistance of Dr. George Patterson and Lt. Kirschner, Lt. Newborn and Lt. Spritzer conducted a series of meetings with community school boards, superintendents, guidance staffs UFT, CSA, parents associations. More than a dozen meetings were held before both districts gave their approval. Not only did both districts approve but they asked for the program in all of their junior high schools. It was agreed that one more school would be added in each district.

A training program was developed by Deputy Inspector Dunne and Lt. Kirschner. It included a week at the National Center for Community Education at Flint, Michigan. Transportation and fees were provided by a CJCC grant and additional funds provided by the United Federation of Teachers. A total of twenty-five individuals took part in the training. They were the police officers, staff members from the schools selected and representatives of the community school boards. The week provided an opportunity to observe the Flint Police Liaison Program and receive instruction from the University of Michigan staff members who work closely with the National Center for Community Education.

Police personnel received further training in June 1972. They spent a week in the schools in which they were to be assigned. They became familiar with school organization and routines. In July the officers attended a two week workshop at Adelphi University on the topic: "Police and Community Relations." They received additional training at the Police Academy in August. This training involved the law as it relates to schools: narcotics, explosives, and building security. The Assistant Chief Medical Examiner, bomb squad personnel and other specialists took part in the presentations.

THE PILOT PROGRAM IN OPERATION

The Communities

The communities selected are integrated in all respects: race, socio-economic range, and ethnic diversity. Rockaway has neighborhoods, like Belle Harbor, which has one of the highest per-capita incomes in the nation, and Arverne, which has one of the lowest per-capita incomes.

The three junior high schools have a composite 45% minority enrollment. According to the Police Department, the area is mid-range in regard to youth crime.

South Brooklyn which contains parts of Park Slope, Red Hook and Sunset Park has one of the most hetrogeneous populations in the country. The economic scale runs from areas of hard-core unemployment to upper middle class neighborhoods. Approximately 50% of the school population is Puerto Rican. This area is also described by police as "mid-range." However, there is more youth gang activity in this area than in Rockaway.

Opening of School

In organizing the program and introducing it into the schools, it became imperative to communicate the basic principles of the program to school administrators. The officer is not an enforcer, per se. The officer is not to be involved in normal school discipline. However, he/she will respond to any call, so the burden of this requirement lies solely with school personnel.

Early in the school year, several schools engaged in an in-uniform vs. out-of-uniform debate. However, these problems were solved and the officers vary their dress from time to time, being part of the time in uniform to re-establish their image as police officers.

The Police Officers were introduced at the first assembly. They distributed flyers to the children informing them of their functions and where they could be found. The officers remained in uniform for the first six weeks of the team.

From our visits to the school in October, it was observed that the program got off to a smooth start and that school personnel were enthusiastic about the program. One of the areas that was closely monitored during the early months was the relation of the officers with the guidance staff. A problem did arise in the District 15 schools. However, it was not on the school level but rather in the district office. The Coordinator of Guidance had some basic misconceptions about the program and was advising counselors not to have any dealings with the officers. Mr. Muir and Lt. Kirschner met with Dr. Glassman and Mr. Melov, Deputy Superintendents, and the problems was resolved. We find a natural two-way referral process going on between counselors and officers in most schools.

TYPICAL ACTIVITIES OF OFFICERS

Classroom Presentations

One area which caused Board of Education personnel to have misgivings was that of classroom presentations. Although intelligent and knowledgeable, the officers had no teaching experience or preparation. For this reason, the schools were asked to allow the officers to observe classes and to assign an assistant principal to assist them in planning and presentation techniques.

The presentations were not professional from a pedagogical point of view but they did spark student interest and participation. The number of presentations was determined by the pressures for other aspects of services provided by the officers. Topics for classroom presentations included the following: Aspects of police work, children's legal responsibility, need for police in our society, criminal justice system, use of force by police, most frequent crimes committed by children. The Police Department supplied excellent audio-visual materials which augmented the presentations.

Home Visits

Many home visits are made as a follow-up to YOI referrals. Others are made as a result of requests by guidance staff. Often they are investigatory in nature because of suspicion of child abuse or neglect. Several of these visits have resulted in referrals to Family Court or to a social agency.

Field Trips

Field trips were made by classes accompanied by the officers to precinct station houses, Police Academy, Harbor Patrol, Aviation Bureau, drug abuse agencies, City Hall. Several classes were taken for a cruise on a Police Launch.

Community Meetings

The officers attended parent association meetings, community school board meetings and meetings of various community groups. The early meetings were attended for the purpose of informing people about the program. Subsequent meetings were attended to assist the groups in dealing with problems that affected the youth in the community.

Conference With Children and Parents

The aim of these conferences is problem solving. Resolutions are sought to problems experienced by youngsters that will avoid, if possible, involvement in the juvenile justice system. However, many youngsters seek informal rap sessions with the officers whom they have come to like. Others feel that this is an opportunity to get out of the classroom. This has been stopped in all the schools.

The types of problems involved assaults on staff members and other students, theft, criminal mischief, neglect, child abuse, gang problems, runaway children, general behavior patterns which might be described as predelinquent.

Supervision Training - Reporting

All of the officers attend regular monthly meetings at Youth Aide Division Headquarters. These meetings are used to assess progress, solve problems, continue training. Meetings are attended by the Project Coordinator, training and planning officers, and commanding officer of Youth Aide Division, Deputy Inspector Dunne.

In addition, various meetings are held with field supervisors and school district pupil personnel and mental health teams.

Planning weekly and daily activities is line in conjuction with a designated assistant principal. Reporting and record keeping is comprehensive. A log book is kept to provide a synopsis of activities and incidents. In addition, the officers submit a weekly report which describes the week's activity. This report is reviewed by the unit supervisor and sent on to the Project Coordinator.

Frequent visits are made to the schools by the Unit Supervisor, School Stability Team and by Captain Robert Talbert of the Field Internal Affairs Unit of the Office of the Deputy Commissioner of Community Affairs.

As indicated earlier, the officers are required to keep a daily log and submit a weekly activity report. The following is a summary of the weekly activity reports for the year for the program.

TABLE VI

Summary of Weekly Reports September 1972 to May 1973

	TOTAL
Youth Division Referals (YDI)	175
Arrests	18
Court Appearances	35
Conferences with children	8,457
Conferences with parents	2,981
Classroom/assembly presentation	2,377
Meetings with parent groups	236

Meetings with community groups/local school boards	625
Field trips	54
Home visits	170

The relatively low arrest and YD statistics demonstrate that the program is being geared to prevention. The very active areas of positive contact with parents and children attest to the fact that the program has a very high visability factor. The children, parents, and community know about this program. They have established trust relationships which have exceeded the expectation of planners and the officers. They have become the recipients of lost items including cash and checks. Several students wanted by the precinct have voluntarily surrendered to the officers. Students have reported criminal acts and the names of alleged perpetrators to the officers. For example; a fire was started in a classroom in JHS 142-K on May 25th. Several students asked to see the officers assigned. They would not give the information they had to school authorities but they gave the name of the person they claim they saw start the fire to the officers.

Home visits were made only when the problem was serious such as an assault, neglect or child abuse. The type and volume of activity demonstrated in the pilot project has been far more productive than the activity of the officer in the traditional role when assigned to schools. In addition, there have been fewer calls for police service from precinct in the schools this year than in past years. (Several of the schools had traditional police assignments in the past)

EVALUATION BY SCHOOL STAFF

Evaluation by school staff in the junior high schools was obtained by interviews conducted by the School Stability Team. Time pressures did not allow the team to interview the principals and staffs of the elementary schools. These interviews were conducted by the Youth Aid supervisors, Lt. Pribetich and Sgt. Moore.

The final evaluation by staff was geared to the stated aims and methods of the pilot project. The principals were asked to rate how successful the program was in achieving each of the stated aims. The Assistant Principals who worked with the officers in planning and supervising their activities were asked to rate how successful each of the methods was in achieving the aims of the program.

As stated in the Interim Report one of the major concerns during the planning stages was the relationships between the Police Officers and the Guidance Counsellors. We asked the Counsellors three basic questions. The first was, Did jurisdictional or operating problems develop? The second, was the program helpful? The third, do you want the program to continue?

Teachers were interviewed concerning the classroom presentations. They were asked if they could detect an attitudinal change in their calsses as a result of the program. They were also asked about their own attitudes towards police and if they gained anything from the program.

TABLE VII

J.H.S. Principals Evaluation

	JUNIOR HIGH SCHOOLS					
	53-Q	180-Q	198-Q	136-K	51-K	142-K
Has this program improved Police image in - 1. school	A	B	B	A	A	A
2. community	A	B	A	A	A	A
Has the program improved school security?	A	A	A	A	A	A
Has the program improved school time?	A	B	B	B	A	B
Has the program helped children displaying delinquent or Pre-delinquent behavior?	A	B	A	A	A	A

Key - A - - very successful
B - - somewhat successful
C - - not successful

TABLE VIII

J.H.S. Assistant Principal assigned

How helpful have the following methods been in achieving the goals of the program?

	JUNIOR HIGH SCHOOLS					
	53-Q	180-Q	198-Q	136-K	51-K	142-K
1. Class presentations	A	A	B	A	A	A
2. Conferences Parents/ Students	A	A	A	A	A	A
3. Home visits	A	B	A	A	A	A
4. Agency Referrals	A	A	B	A	A	A
Which method most helpful?	2	2	2	2	2	2

A - Very successful
B - Somewhat successful
C - Not successful

TABLE IX & X

Evaluation by Elementary School Principals

District 15 Schools

	A	B	C	D
1. Has the program improved Police image in the School?	7	1		1
2. Has the program improved Police image in the community?	7	1		1
3. Has the program improved school security?	6	1	1	1
4. Has the program improved school tone?	7		1	1
5. Has the program been successful in helping children who display delinquent or pre-delinquent behavior patterns?	7		1	1

District 27 Schools

	A	B	C	D
1. Has the program improved Police image in the School?	6		1	1
2. Has the program improved Police image in the community?	5	2	1	1
3. Has the program improved school security?	2	2	2	1
4. Has the program improved school tone?	4	1	1	1
5. Has the program been successful in helping children who display delinquent or pre-delinquent behavior patterns?	5	2	1	1

All of the no comment, no knowledge, entries were from a school with a newly appointed principal. He was in the school for one week at the time of the survey.

The one principal in District 27 who indicated no knowledge, no comment, indicated that the officer, after initial contact, never returned to the school.

Guidance Counsellors

Guidance Counsellors in all the junior high schools were asked three questions: Has the program interferred or in any way hampered the independence, integrity or efficiency of the guidance program? The unanimous answer was No. Has the Program been of assistance to the guidance program? The answer, again unanimous was Yes. In response to the third question, all of the counsellors said they wanted the program continued next year. However, some counsellors pointed out that personality conflicts did exist and they had experienced some difficulty in mechanics. When asked if they would wish a replacement for the officer assigned the answer was No., and that whatever problems did exist could be resolved in the school.

Teachers

We also interviewed the teachers in whose classes the officers made presentations. All of the teachers felt that the presentations were successful in positive attitude formation. The children developed an appreciation of police work. One teacher remarked that there has been less discussion and criticism of police and greater acceptance of the police as human beings. All of the teachers felt that they as well as the children have learned from the program.

Parents

The Presidents of Parent Associations in the Junior High Schools were asked to evaluate the program. They were asked if the program made the school safer for the children and if the program improved the image of the police in the school and the community. All of the P.A. Presidents responded that the program was very successful in both areas. (Sample response in appendix)

In evaluating the results of the survey of school personnel in the pilot project, we can state that the program has been highly successful. The impact has been greatest in the junior high schools. There has been less input in some of the elementary schools. However, it must be remembered that elementary schools are visited by the female officer no more than once a week. Sometimes, pressures in the junior high schools have caused cancellation of planned visits.

As stated in the Interim Report, an attitudinal testing program was designed for students in the pilot school. The test was designed by Dr. Robert Portune of the University of Cincinnati and is being used with his permission.

A pre-test was given in September and a final test, using the same form is being given this month. The results available from the pre-test in the pilot schools and I.S. 88-K, the control school, indicate an increasing negative attitude towards the law and police as the children get older. Sixth and seventh grades are more positive in their attitudes than eighth and ninth grades. The final results of the testing program will be available before September. (A copy of the Portune test appears in appendix). Lt. Kirschner is responsible for the administration of the testing program.

EXPANSION OF A MODIFIED PROGRAM

In the Interim Report, the Team recommended that officers assigned to schools be given training in School Liaison techniques. This recommendation became the basis of an expansion of the program in a modified form. This decision was made in January 1973. Commissioner Ward in a letter (see appendix) informed the Chancellor of his plans and the Chancellor agreed.

The plan as developed by Deputy Inspector Dunne called for the training of seventy five officers, presently assigned to junior high schools. The program will be instituted in thirty one schools in September 1973. The rest of the schools will be added over the next year and a half.

The plan differs from the pilot program in several important respects.

1. There will be no team approach.
2. Elementary schools will not be serviced.
3. Officers will be from the precinct and under Precinct Command.

The Department cannot at this time provide the additional officers, so the team approach of the pilot project will not be replicated.

The elementary schools will not be served in the modified program. Being under precinct command means that the officers may be removed from the school at any time, when in the judgement of the precinct commander, there is a greater need for their services elsewhere in the precinct. This may occur from time to time or become permanent.

Lt. Neil D'Avino of the Youth Aid Division, Lt. Henry Beehler of the Patrol Bureau and the School Stability Team were given the task of implementing the modified program. Several conferences were held regarding site selection. Since training was to begin the week of April 13th, it was imperative that site selection, personnel selection and school district/ precinct consultations be completed by that date.

The expansion team reviewed all junior high schools which had officers assigned. Thirty five of these schools were considered for inclusion in September 1973. The schools were visited, principals interviewed as to their receptivity. The program was outlined and the principal asked if the officer assigned to the school could fill the role of a Liaison Officer. The officer was also interviewed. The precinct commander was interviewed since the officers to be used in the program were under his command and his permission was essential.

Letters were sent to Community Superintendents, requesting conferences with them. (see appendix) In some districts approval was given without formal consultations, while in other districts several meetings were required.

The following are questions submitted by parents in District 16 regarding the program and Mr. Muir's answers to them. They indicate the interest and concern by parents in the program. The Program is the Police School Liaison Officer Program. The officers are sometimes referred to as School Resource Officers (SRO)

Questions and Answers About the SRO Program
For District 16 Schools

1. After Murphy, What?

   We don't know. Hopefully the new Commissioner will see the value of the program and opt to continue it.

2. Who Will Train Personnel?

   School Administrators involved in the pilot program, instructors from Police Academy and Adelphi University will all be involved in training.

3. Who Is Paying For SRO (School Resource Officer)?

   The Police Department.

4. Can the SRO be Bilingual?

   If such an officer is assigned to the precinct and is acceptable to the school, he will be the SRO.

5. Where Will Materials Come From?

Most will be supplied by the Police Department. However, we hope that the school can spare note pads, paper clips, etc. The SRO gives no homework as such.

6. What Will be the Extent of SRO Training?

He will be instructed in basic school organization, human relations, the law as it involves schools and youngsters, narcotics, and a rundown on various agencies geared to handle problems of young people.

7. Will the SRO be Provided with an Office?

We'd like him to be, but we know space limitations in schools. He should have a desk and access to some privacy when he is talking to kids and/or parents.

8. Should the SRO come From the Precinct Near the School?

He has to come from that precinct. The program is going to schools with officers assigned at present. The program does not provide for additional police assignments.

9. Will the SRO Have any Seniority Rights

No. You don't like him, he goes. Just inform the precinct commander.

10. What is the Screening Process? Who has the Last Word?

The SRO must come from the precinct in which the school is located. He must want to be involved in this demanding type of work. The school has the last word. Most schools want the officer now assigned. In those cases where they wanted someone else, we went along.

11. Will the Patrolling Patrolman Still be in Effect?

The SRO will have a patrol function in the morning, at lunch and at dismissal. Remember, we are not getting an additional patrolman, just a new role for the person you have or want.

12. How Flexible are the SRO's Hours?

Most of the time he will work an 8 to 4 tour. However, when needed, he can work a different tour.

13. Who Handles the SRO Payroll?

Police Department.

14. Safety Factor - Re Fire Arms?

There are over 300 patrolmen assigned to public schools. They all have service revolvers. This is a requirement of law.

15. Time For Selection of Candidates?

Training begins this month during the Easter recess. The letter was sent to your district office aksing for a meeting with you, on February 21st.

16. Is $23,000 (thousand) an Accurate Salary? Does it include Fringe Benefits?

Yes. It is accurate and yes it includes fringe benefits.

17. What are the Qualifications for the SRO?

He must be able to work well with children and school personnel. He has to want to be involved. He has to be wanted by the school. While the officer in the pilot project all have college degrees this will not be true of the expanded program.

18. Define Areas Between School Guard and SRO?

The SRO can be helpful to the guard in providing tips on security but he is not the guard's boss. The SRO has a much greater area of responsibility such as classroom presentations, home visits and conferences with parents and students.

19. Would SRO Vacations be the Same as School Vacations?

Police officers have shorter vacations and we will see to it that these are taken when school is not in session.

20. Why Haven't These Questions Been Asked Before?

They have, that is why we asked for a meeting.

21. Will the Program be Hard to Sell because of The Gun and Uniform

As explained before the gun is required by law. One of the aims of the program is for kids to look upon the uniform as a force for good in the community. However, there will be times when the SRO can be out of uniform.

22. Will the SRO be Working with School Guards?

This depends on the needs of the school.

23. What Are the Duties and Responsibility of SRO? B-What Inputs will School and PTA in the Formation of the SRO's duties and Responsibilities?

A - These are outlines in the report to the Chancellor, available in the district office.

B - Program is designed for greatest flexibility and school discretion. We have only two basic restrictions. The SRO is not to be involved in the normal school disciplinary process and he is not to have access to confidential guidance records, which might incriminate a student.

24. Can the SRO be Place on a Trial Basis?

The program begins, continues and is terminated at your pleasure.

25. Will the School Lose Positions In Any Category As a Result of the Assignment of the SRO

No, This program is paid for by the Police Department. It costs the school nothing.

In a meeting with the Chancellor on December 7, 1972, regarding problems at Franklin K. Lane High School, Mr. Muir offered to explore with the Police Department the feasibility of placing the program in that school. Franklin K. Lane will be the only high school to have a School Liaison Program. It will also be the only school in the expanded program to preserve the team approach.

During the course of the past school year, numerous requests for the program were made by schools. However, at present, expansion is limited to schools with officers presently assigned. (See appendix)

Site selection was completed by April 13th and the following schools will begin in the program in September 1973.

District 2 - J.H.S. 167, I.S. 29
District 3 - J.H.S. 54
District 4 - J.H.S. 99, 13, I.S. 117
District 7 - J.H.S. 149, I.S. 155, I.S. 139
District 9 - I.S. 148
District 10 - J.H.S. 118
District 12 - J.H.S. 44, 98
District 16 - J.H.S. 57

District 17 - I.S. 320, 246, 210
District 18 - J.H.S. 232
District 19 - J.H.S. 296
District 27 - J.H.S. 202, 210
District 28 - I.S. 8, 142, J.H.S. 217
District 32 - J.H.S. 111, 162
Franklin K. Lane High School

The training program for the officers began on April 16th at the Police Academy. The program was organized by Lt. D'Avino. (A copy of the training program is included in appendix) Police Department experts, School Stability Team, officers and educators from the pilot project schools took part in the training. The officers were then sent to pilot project schools where they spend two days observing the program in operation. They will receive further training before September.

RECOMMENDATIONS

Funding

This promising program should be funded in such a manner so that the expanded operation will not be merely a watered down version of the successful pilot program. Since it is an inter-agency project, the technical problems in this area become more complex. Restrictions which apply to the Police Department do not apply to the Board of Education and vise-versa. The Acting Chancellor, Mr. Anker, has approved an investigation of funding options and has directed that a proposal be prepared for his approval.

In deciding on a goal for the hoped for funded program, the authors had to chose between two conflicting directions.

1. Fund the program in order to provide officers for additional schools using the modified program as a model.
2. Fund the program in order to provide the team approach in the expanded program.

The team has opted for the latter approach since success in pilot was due to the team approach. Secondly, prevention programs should provide for long range exposure. With the second option, children are exposed to the program from Kg. through eighth or ninth grade. In option one, one school is serviced by one officer. With the team approach two officers can service five schools.

Learning Laboratory

The pilot and expanded programs should serve as learning and training centers for Board of Education safety personnel. Exposure to the program should be provided for Model Cities Community Service Officers who are assigned to schools and police personnel who are assigned to schools or who work with youth. Police trainees at the Police Academy should be given training in the program. If the program at Franklin K. Lane High School proves to be successful, officers assigned to other high schools should be trained in Liaison Officer techniques.

Expanded Supervision

Since the modified program differs from the pilot and since it is being expanded rapidly the Police Department and the Board of Education should provide the needed supervisory personnel to closely monitor the expanded program for progress and problems. In addition, regular conferences should be held between pilot project officers and those serving in the expanded program. This is essential since most of the officers in the expanded program have had traditional police assignments in schools. There must be continued monitoring in order to prevent back-sliding into traditional police postures.

the problem of school security

an |I|D|E|A| occasional paper

The report of a national seminar sponsored by the Institute for Development of Educational Activities, Inc., *the educational affiliate of the Charles F. Kettering Foundation.*

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introduction

Crime in schools, almost unheard of a decade ago, has become a national problem. Schoolyards full of adolescents have always been the scene of random fighting but within the past few years, adolescence has become an age of high incidence of criminal activity.

Bigness which has resulted in oversized schools coupled with changed social attitudes have emasculated the traditional methods of school discipline. Teachers in many schools have become reluctant to reprimand students out of fear of physical harm. The consequence is that regularly assigned policemen or security people are now common in both urban and suburban schools. In city schools, the newly created job of assistant superintendent for security is becoming as visible as the assistant superintendent of instruction.

Violence against teachers and students in schools is increasing at an alarming rate. Assaults on students and teachers by other students as well as outsiders have made teaching and attending school in the inner city a hazardous undertaking. The deteriorating level of discipline has been well documented by the media. The problem is current, important, and worsening. It is nationwide and exists to an increasing degree in suburban as well as urban schools.

The President's Commission on School Finance, after the completion of an exhaustive study of schooling, expressed the problem succinctly:

> *"School children need to be able to walk from their home or bus to the school building in safety and need to be free from physical violence and extortion while attending schools. Until the atmosphere of terror is removed . . . little progress can be made in restructuring and maintaining an environment conducive to learning."*[1]

While everyone agrees on the need for a safe school environment, the question of how to achieve one has given rise to a diversity of approaches. An analysis of the many suggestions on how to make the schools safe discloses a fundamental split even among the so-called "experts" in school security matters. One group is tactically oriented and emphasizes security training for the teaching staff, increased use of hardware such as locks, bars on windows, fences, alarms, security personnel, and the collection of school crime data for analysis. Another group views the problem as symptomatic of social ills. It advocates curing the social ills as the way to de-escalate the schools' problems.

School security directors, educators, and social scientists met in conference at the invitation of the Institute for Development of Educational Activities

[1] The President's Commission on School Finance, *Schools, People, and Money: The Need for Educational Reform* (Washington, D.C.: Government Printing Office, 1972), p. 46.

to explore in depth the causes of school crime and recommend realistic means of containing and minimizing it.

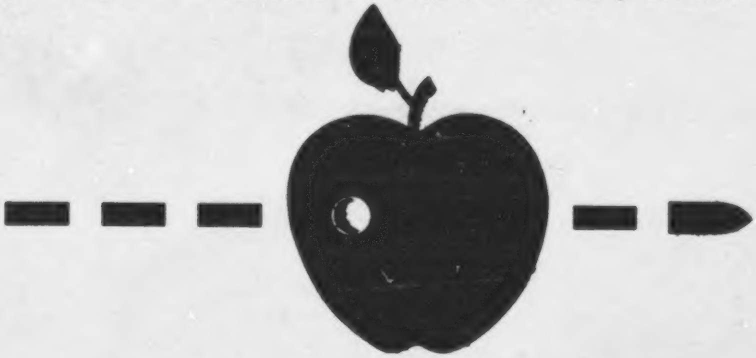
the magnitude of school crime

Evidence of the magnitude and depth of the problem which has made the security of students, teachers, and school buildings critical is reflected in the following study and statistics: The National Education Association's Center for Human Relations conducted a random survey comparing current problems with those of 1970. The comparison revealed that in-school assault and battery had increased by 58 percent, school robberies by 117 percent, sex offenses by 62 percent, and drug problems by 81 percent.[2]

A few examples reported at the seminar of the severity of rapidly increasing school crime were: In Oakland, California, a mother waiting for her two daughters at a junior high school was shot and killed by two teen-aged boys. A 15-year-old student in Pittsburgh was critically stabbed in the chest after a football game. A Chicago elementary school principal was shot and killed by a student who was angry at being expelled and transferred and who had already wounded the assistant principal and a security guard. A kindergarten teacher in Los Angeles was robbed in front of her students by an armed youth who took her money, engagement ring, and wedding band. In Houston, three teachers were raped on school grounds in one semester. A month-long confrontation between rival gangs involving guns chains, bricks, steel combs, concrete blocks, and sticks at one Los Angeles high school resulted in deaths, woundings, beatings, and wanton destruction. Several guns were confiscated. Following the episode, administrators commented that school officials were forced to use methods almost akin to Gestapo tactics in dealing with the situation.[3] These are but a few examples of the increase in criminal incidents in and around schools.

vandalism

While there has long been a concern for the security of school buildings, the safety of these facilities has become a significant factor in the rise of school crime. The June 1973 issue of SCHOOL PRODUCT NEWS reported a survey on vandalism in school systems by enrollment: School districts of from 5 to 10 thousand showed an annual average vandalism cost of over $12 thousand; those with between 10 and 25 thousand students reported a cost of over $21 thousand; and those with over 25,000 students, an average of $250 thousand. When these damages are distributed among the almost 17,000



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[2] Oral report made by George Jones at the seminar

[3] Oral report made by Joseph I. Grealy at the seminar

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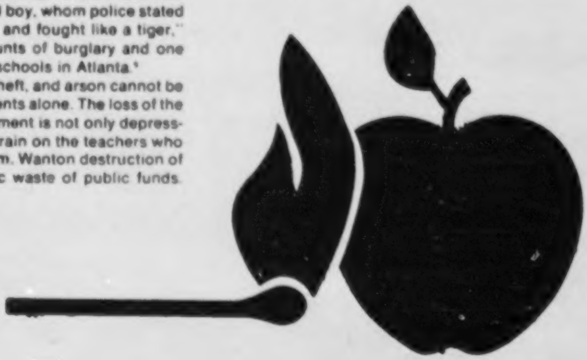
school districts, one can appreciate how really conservative is the estimate of a half billion dollars in vandalism damage per year nationally. Types of vandalism vary as greatly as the kinds of school crimes: After 100 Seattle parents voluntarily painted a school, it was broken into and unused paint smeared throughout the building. After breaking into a high school in San Pedro, California, four boys turned on a fire hose and flooded the classrooms. They subsequently dumped books in the school library and destroyed a number of band instruments. At a suburban high school in California, vandals broke as many things as they could lay their hands on. They knocked typewriters off desks, sprayed fire extinguishers, and scattered papers and materials throughout the building.[4]

Destruction by fire is by far the most expensive form of vandalism. Arsonists virtually destroyed an elementary school in Pensacola, Florida in a Christmas Eve fire. A 13-year-old boy, whom police stated "screamed like a panther and fought like a tiger," was charged with six counts of burglary and one count of arson involving schools in Atlanta.[5]

The cost of vandalism, theft, and arson cannot be measured in dollars and cents alone. The loss of the use of facilities and equipment is not only depressing, but places a severe strain on the teachers who must function without them. Wanton destruction of public property is a tragic waste of public funds. Unfortunately, in most states, the penalty for vandalism is not severe and little or no effort is made to collect for the damages from either the vandal or his parents.

overreactions

While the aforementioned incidents reveal the extent of the problem, they have also created an additional problem—hysteria and overreaction. For example, a bill was recently introduced in the New York State Legislature to assign a school guard to every school lavatory in New York City. With about 1,000 school buildings averaging five lavatories each, the required personnel would number 5,000. Cost notwithstanding, there are presently approximately 1,800 school security personnel in the New York City school system.



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[4] Ibid

[5] Ibid

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who commits school crime?

A report submitted to the seminar indicates that all of the acts of crime in and against schools are committed by about five percent of the adolescents who are either still in school or have had some recent connection with the school. Roughly four percent of the crime is attributed to recent dropouts or push-outs who invade the school grounds during the day or night. Only one percent of the school crimes are perpetrated by youngsters who are currently enrolled in schools.

are schools the ignition point of social injustice?

The assemblage of hundreds of adolescents, subjected to the arbitrary control of a few dozen adults and legally restricted in an institutional setting, in itself creates conditions for potential physical violence. Even if no other reasons exist for change in the way schools have traditionally operated, these factors are enough to motivate schools toward a search for alternatives with more humane environments.

One of the studies examined at the seminar was a survey conducted for the New York Board of Education by the Academy for Educational Development, Inc. In an effort to pinpoint causes of school crime, the survey questioned over 300 school administrators, faculty, students, and security personnel in four large, troubled New York City high schools. Their findings are revealing. The major problem areas with respect to school safety mentioned by these groups of respondents were:

- the large number of exits and entrances in the building and the impossibility of keeping out intruders
- class cutters
- low reading scores and the consequent frustration with or apathy toward learning among turned-off students
- teacher insensitivity to students, particularly minority students or those not highly motivated
- laxness of discipline on the parts of courts, teachers, and administrators
- insufficient counseling personnel
- too few guards.[4]

"It is interesting to note that no student groups mentioned low reading scores as a factor in school safety and no administration group referred to laxness of discipline," the report stated. "All student groups alluded to teacher insensitivity."[7]

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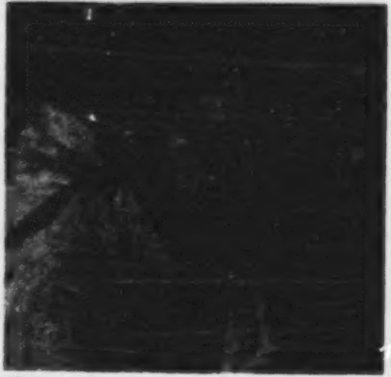
[4] Report by the Panel on School Safety, *A Safer Environment for Learning* (New York: Academy for Educational Development, Inc., October 31, 1972), pp. 15-16.

A significant part of the school crime problem comes about as the result of a breakdown of the social mechanisms that once existed to keep crime under control. Wilson Riles, California superintendent of public instruction, who has been deeply concerned with the issue, puts it aptly: "Conflict in the schools is a reflection of the conflicts which run through the whole nation and society, but that fact does not excuse the schools and school leaders from their responsibilities."[8] Student behavior will be shaped by a variety of community interests and ties. The degree of such behavioral influencing will depend on local conditions.

Whatever the situation within a school, it is a reflection of conditions in the larger community beyond the school grounds. "I th[illegible] crime in school mirrors the effects of the crime in the community at large," a principal charged. "The student body is a more emotional microcosm of the neighborhood. Psychologists and sociologists contend that frustrations born in drug problems, muggings, poor housing, and unemployment yield youngsters who are quite likely to explode over little or nothing at school."



"Schools are becoming a more hostile environment where young people just do not feel comfortable." *STEPHEN ROLLIN*

The conferees concluded that many factors contribute to the rise of violence in the schools:

1

The anti-dropout campaigns have succeeded. Few jobs are available for unskilled youth so the school is as good a place as any to pass the time of day—even if the youngster is 19 or 20 years of age.

2

Schools are no longer special privilege institutions. Where schools were once considered a refuge or neutral ground from community problems, they are now the ignition point of neighborhood frustrations and a target for those criminally prone.

3

Gangs fighting for control of a neighborhood are bringing their conflicts to schools. Shoot-outs in schools between gang members emphasize this problem. These problems often surround the control of the local drug traffic or a theft-and-extortion ring.

A psychologist at the seminar was of the opinion that school crime was symptomatic of the systemic problem of youngsters remaining in school instead of dropping out but failing to attend regularly, resulting in greatly increased truancy. "Schools are becoming a more hostile environment where young

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[7] Ibid., p. 18.

[8] A Report on Conflict & Violence in California's High Schools (Sacramento: California State Department of Education, 1973), p. iii.

people just do not feel comfortable. We have examples in a city like Jacksonville, which has a fairly high crime rate in Florida, where schools in the same community have different crime and truancy rates, but yet the school and community environments are almost identical. The difference seems to be the relationship within the school."

Perhaps the biggest problem confronting the schools but the one that gets the least attention is the matter of truancy. Crime is dramatic and people like to talk about it, but truancy is unsensational and does not make the news. Truancy becomes a part of the problem because it contributes to idleness which in turn is one of the causes of adolescent crime outside of the schools.

Although the growing problem of truancy has received little or no attention, it is now extremely serious. In many urban communities, the average daily attendance is down to an astounding 72 percent and in some inner city schools, it is less than 50 percent and falling. Furthermore, the problem is nationwide. Florida, which can by no means be considered an industrial state, reports a drop in average daily attendance for each of the last five years.

Related to the truancy issue is the problem of suspensions from school. Here again, one is presented with an absence of national statistics, but local data gives some insight into the extent of this problem. A study of 10 school districts in one state revealed that, during a particular school year, 2,500 students were suspended for 17,000 school days.

Why are many school environments so hostile that students want to leave or become so recalcitrant that they must be suspended from them? This is an unanswered question which must be resolved if the school security problems are to be contained.

schools reflect their communities

The decade of the 60's witnessed high schools that grew to sizes of unreasonable proportions without adequate perception of the attendent social problems. Society seems reluctant to realize that a random selection of youngsters will reflect much the same strengths and weaknesses of an equal number of randomly chosen adults. The consequence is police in the halls of large schools which are located in the midst of communities with a high incidence of crime. Yet many people are shocked at the prospect of police patrolling school halls.

The problem must be viewed in perspective. Franklin K. Lane High School in Brooklyn, for example, enrolls over 5,300 students. Focus this against the number of policemen employed in a town of 5,300 people. Then the school's assigned law enforcement officers can be seen in a better perspective. A survey of Atlanta, Georgia projected that every

1,000 new inhabitants in that city included 11 juvenile delinquents, 16 alcoholics, and 30 mentally retarded children. This same group of new inhabitants required the city to hire two more firemen, three more policemen, 10 more teachers, and to build seven more school classrooms.* The schools' racial milieu must be viewed as reflecting the communities they serve.

is security a school or police function?

The major police issue about school security confronting the schools is a tripartite question. Should school authorities let local police handle school security problems, supplement local law enforcement agencies with school security personnel, or establish a separate school security force? A vacillating attitude over incidents of crime in schools and the lack of a definite policy on who does what has left a wake of injured students, faculty, and damaged school property, but little resolution of the problem. This lack of positive action by school authorities has resulted in legitimate demands from citizens and teacher organizations for the presence of uniformed police in the schools.

Attempting to cope with school crime, many boards of education have begun to employ people to perform police functions within the schools. As early as 1969, *Education Daily* reported, "Police patrols are now common in the corridors of our urban schools. Security guards are stationed in every junior and senior high school in New York City. The Newark schools now maintain a security force larger than the police force of many New Jersey communities."[10]

A militaristic, "big brother" security program with guards in the halls is as detrimental to a learning institution as the crime such tactics purport to eliminate. Rather than enact long-term programs aimed at preventing school crime, administrators have either reacted inadequately or ignored school crime, hoping it would go away. Failure to develop plans and response options in advance of the incidents leaves the principal little choice but to call in local police.

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*Impact of 1000 New Inhabitants, n.d.

[10] "The Character of High School Protests," *Education Daily*, Vol. 2, No. 111 (June 11, 1969), p. 5.

"Educators believe that the police can prevent school violence," Major Tyree S. Broomfield, Director of conflict management for the Dayton, Ohio police department, emphasized to a group in Washington in early 1973. "They cannot. They react to violence. Once in a school, we assume the kids are wrong and proceed on that premise. Once in, it is very hard to get us out." Sociological observers argue that a strict law enforcement strategy only alienates students from decision making, priority settings, and a sense of participation in their educational environment.

School principals must learn how to work with the police, how to deploy them and, most important, how to disengage them from the school. A sociologist at the seminar noted that, "Most principals simply do not understand there are, in fact, command procedures for calling, using, deploying, and disengaging the police from a school situation."

The use of uniformed policemen in the schools should be limited to special or emergency situations and police should be restricted to carefully defined roles worked out in advance with local law enforcement officials. In fact, *all aspects of a school's reaction to disruption should be planned in advance*, and everyone on the staff should know what is expected of him in a disruptive situation. As little as possible should be left to improvisation or to chance.

If the school system does set up a security network, it must address itself to such questions as: Who constitutes the security staff and what are their roles? Does the security force resemble a law enforcement organization or is it organized around a guidance approach? Do they assume a position of aiding only in times of crisis as does the National Guard and only switch to a tactical, law enforcement role in cases of obvious law violations or serious incidents?

dealing with school crime

As a rule, the school district most in need of a security program is usually the one with the least funds available for financing one. The Safe Schools Act, which had been introduced in both houses of Congress at the time of the seminar, was designed to meet this and other school security problems. The Act proposes to earmark federal funds for the purposes of learning more about the school crime problem, developing and testing techniques for dealing with school crime, and providing funds to assist the most vulnerable school districts in formulating and implementing organized programs to achieve a secure habitat for students and staffs.

If such management practices as preplanning, proper pre- and in-service training, organizational

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"A survey conducted in New York City schools revealed that when you had an acting or temporary principal, you had security problems." ELDRIDGE WAITH

structure, professional supervision, long-term support, and student as well as local citizen involvement are not carried out, then school security will be a travesty amplifying instead of nullifying the problems of school crime, whether it is federally financed or locally inspired.

Few shool districts have established guidelines for principals to follow in handling investigations of student crime. Rather then prosecuting a student for a criminal act, a principal usually suspends him not realizing that, in so doing, he may be breaking a law. Failure to report a serious crime is in itself an offense. School authorities who work with law enforcement officials must recognize they are bound by certain legal requirements of investigation. Neglecting to follow legal requirements can result in evidence being declared inadmissible as well as civil action being taken against the administrator and the school system.

Since school administrators generally have neither the skills nor interest to perform school security work in serious problem situations, many school systems now employ a security specialist at the district level to work with the local school staff in coordinating security measures. The security specialist is equipped to analyze the problem, prescribe countermeasures, and control the situation tactically to minimize alarm to the student and citizen populous.

When a crime has been committed, school officials' obligations to the community and society transcend their obligations to the individual student. Assault with a deadly weapon, felonious assault, patterns of systematic intimidation that give students a rational fear of coming to school—such conduct must be dealt with forcefully in the criminal justice system.

a perspective on security personnel

Any superintendent who thinks he can hire a security specialist, give him a healthy budget, and expect the problems to subside is deluding himself. Security officers, alone, cannot solve many of the elements of conflict or violence in the school because these are usually bred in a dispute with another student or a faculty member. *"Our research has shown that a very significant teacher problem is involved in disruptive student behavior,"* a security director noted. *"We found around five to eight teachers responsible for the bulk of school suspensions. A pattern even becomes evident in terms of which teachers get beaten up and which ones do not."* It is true that what happens in the interchange between the teacher and the students bears heavily on the security person's job. Some teachers never have a disruption in their classes, while others have a demonstrated pattern of disruption.

Another conferee confirmed that the key to many of the problems is the teacher. "About 80 percent of the complaints we receive are from teachers. Upon looking into them, we find that a great many problems are teacher initiated. *The key to a number of problems that we have in our schools today is to be very careful with the people we turn loose in the classroom.*"

Security personnel are advocating new procedures for students such as grievance procedures which can be instituted against any school staff member. Grievance procedures were unthinkable in most school systems a decade ago. The concept of allowing a student, through due process, to confront a teacher is now accepted in most school districts.

A principal admitted that instituting a student grievance process had surfaced many of the abrasive things that happened to students. "When the student can appeal, it has been my finding that he is not interested as much in the outcome of the appeal as he is in the right to confront that person." This principal credited the appeal system for reducing faculty-student conflicts by over 50 percent. Unquestionably, a grievance procedure to which students have easy access is an effective device in reducing hostility.

"If you were to ask principals and teachers 'What do you really think about security?' you would get a custodial rather than a law enforcement response." S. D. VESTERMARK, JR.

The security responsibility is pervasive, involving every member of the staff, faculty, and student body as well as parents. "One of the things that has been happening to us in the schools," a discussant remarked, "is a move away from a collegial solidarity in which people take responsibility for each other and into an ethnic solidarity in which they stand together against the rest of the world." There is also a professional solidarity evident in education.

"If you were to ask principals and teachers 'What do you really think about security?' you would get a custodial rather than a law enforcement response. If school security people could be viewed simply as law enforcement types, with that degree of professionalism implicit, you might be making some progress. But in many systems, security men are viewed as nothing more than glorified janitors. That shapes not only perceptions, but also provisions for hiring, and governing school security operations, plus a whole range of problems."

security personnel . . . guards or counselors?

Considering the movement of schools toward actively trying to make students responsible for what goes on in them and looking at the developing school security profession, a conferee contended that the school security professional may, in today's climate of increased responsibility and involvement, meet some student needs much more effectively than many other professionals in the school system. "If an adolescent is having trouble, if he is having involvement with the law, or if he is having a problem of intimidation in the school setting, the investigator-counselor or the service officer, not a guard, can help him. This individual can provide a lot more help than can the guidance counselor."

One of the problems in trying to develop a school security profession is finding a vehicle by which to insert a new emerging professional role into a system which views it as little more than janitorial and custodial, ignores it, condescends to it, and actively opposes it. Many vested interests within the school correctly see that a mature investigator-counselor or service officer, now used in some systems, can meet the students' needs in a more concrete and urgent way than many of the educational professionals can. The schools are one more arena in which early citizenship gets acted out for better or for worse. The question becomes: If a youngster is put in a situation where he cannot exercise responsibility and cannot behave in an effective way because of intimidation, fear, and threat, who helps him? Is it going to be a guidance counselor who timidly sashays around the problem or is it going to be somebody who knows about law enforcement, about counseling, and how to help young people? This is where one begins to approach some of the real problems in defining not just student responsibility, but the school's security personnel. The nature of school security work dictates the need for individuals who enjoy and are able to work with youngsters in stress as well as straight situations. Their role can be cruel or crucial. Discomfiture in the school situation is what makes a youngster commit disruptive acts in the school.

programs and perceptions

"We have proven that when schools offer something meaningful in a tight schedule to a student, he will come to a school setting, do what he has to do, and leave without bothering anybody else. Unfortunately, we have put into the school system a lot of frills and frivolous things which some youngsters do not see as having any relationship to their being in school."

Another discussant agreed, noting that the purpose of schooling has become twisted. "One of the main reasons we have schools is to provide access to the American dream. It is to afford an opportunity for us to get out, get jobs, make money, and earn a living to maintain our society. What happens, though, is that education is operating in a mass-produced kind of way. The facts are that we end up teaching toward the mean. We say, 'Well, what's good for the average youngster in that class has to be good for everybody else. We don't have the time to talk about individual differences.' Every school of education I have ever visited has the motto emblazoned somewhere—'individual differences, and so on'—but, in fact, when it comes down to the practice, it doesn't happen. What we need to do is to look at how we can reach individual students in a manner that is effective. We need to be out looking at learning styles. Not everybody learns most efficiently through reading nor does everybody learn most effectively through abstraction.

"We know that most people who graduate from universities are very strong on intuition," this conferee continued. "We also know that adolescents who get in trouble are not strong on intuition—in fact, they are seasoned doers. They are people who really need very solid kinds of concepts."

The chairman observed that whereas school was a ladder to the promised personal success three or four decades ago, today it is perceived as a collection of barriers one must traverse with no real goal at the end. Unemployment greets a number of successful graduates. A principal concurred, noting: "The hierarchal arrangement in the schools was tolerated by youngsters when they felt that the schools could bequeath. The schools can no longer deliver and the youngsters are no longer willing to tolerate them."

These observations are substantiated by an analysis conducted by Nathan Caplan of the Institute for Social Research at the University of Michigan. The major distinction between delinquents and nondelinquents, according to Caplan, was a belief by the delinquents that their chances of finishing high school were poor and that the jobs they could get following high school would be of low status. It was this pessimism and no family or social life which was predictive of delinquent behavior.[11] A state-appointed task force on disruptive youth in Florida reached a similar conclusion. It stated, in part, "In terms of the predictability of potential dropouts, the academic

"One of the things that has been happening to us in the schools is a move away from a collegial solidarity in which people take responsibility for each other and into an ethnic solidarity in which they stand together against the rest of the world." MARTIN MAYER

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[11] "Pessimism about School Precedes Delinquency," *Education Daily*, Vol. 7, No. 81 (April 25, 1974), p. 5.

variables seemed to be the most powerful predictors of potential disruptive youth and were more useful than socioeconomic criteria.'"[18] If the light at the end of the tunnel is dim or nonexistent, why try to get there?

All of these diverse elements and observations point to the twin avenues of strong educational leadership and heavy student, parent, and community involvement. The two parts are not mutually exclusive. Students are being moved at a much earlier age toward an acceptance of a citizenship role. The schools should be responding to this societal move and both broadening and deepening the training which they give in citizenship.

maybe the fault lies with the program, not people?

Phillip Viso, principal of the Industrial Skill Center in Chicago, places the blame for the high incidence of school crime on the school's curriculum. He contends that the central problem is a lack of substance and meaning in the classrooms which makes wandering in the hall or shooting craps in the lavatory an attractive option for students. "School attendance should come from a personal desire, so it is a matter of program design. The law will never compel compulsory thinking only 'body in place.' "[19]

One participant of the seminar reported on a highly effective program in which concerned instructors turn troublemakers into real students. "We have 15 schools set up for the dropout, the pushout, or the student on suspension. Before some youngsters are sent to prison, the judge hands them over to us. We are located in one of the most disadvantaged areas in one of the most depressive buildings in New York City. Our students have committed some of the worst things you can possibly think of, and I am proud to say we do not have one single security guard. Our approach is the program. These 16- to 19-year-old students have committed criminal acts because of the frustrations attendant with going to school."

"The best security comes from reliable educational programs."
CORRINE WILLING

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[18] The Governor's Task Force on Disruptive Youth. (Tallahassee: State of Florida, September 14, 1973), p. 12.

[19] Remarks made by Philip Viso at the School Safety Conference sponsored by the U.S. Office of Education in Washington, D.C. on January 29-30, 1973.

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how should school security be handled?

School security is a program in search of a system. Nationally, it lacks definition, standards, a statistical data base, specified role, and credibility. Neighboring school districts reflect a diversity of approaches. One may employ a crew of semi-retirees to serve as night watchmen while another district may have a professional team of crack specialists trained in crisis management and juvenile counseling.

There seems little need to question the necessity for a school security specialist for some school districts. When a specialist becomes necessary, the position should be established at the highest level of the superintendent's staff. If a department becomes necessary, it should be professionally staffed by experienced people who want to work with children and adolescents. "School security cannot be buried within the hierarchy of the school administration," a security director warned. "The school district's security director should have immediate access to the superintendent of schools. If the superintendent believes in and endorses the security program, then the principals are going to believe in it. Selection of the security staff is equally as important as teacher selection. We went through 300 applications before selecting 21 people for our effort. These men and women have come from law enforcement backgrounds. They are people who have a tremendous commitment to youth and their problems. They know that the old law enforcement approach does not always work."

School is a person's first major institutional and community experience outside the family. His wants are stacked against the desires of his peers. The student's perceptions of society are structured, in large measure, by what he experiences in the classroom and how he is treated in the halls. These perceptions have definite implications for a security program. Is rhetoric in the classroom about democracy overshadowed by militaristic regimentation in halls filled with fear and outrage? To not ask, and answer, such questions is to neglect an important aspect of the school security program. However, the right of balance of security is a give-and-take proposition.

The unwitting programs and conditions in many schools contribute to these institutions' security problems. *The violent reactions of some students to the schools are caused by overcrowding, frustration in not being able to cope with the sometimes irrelevant curriculum, dehumanization, lack of reading and math skills, and an unwillingness to conform to apparently meaningless rules and regulations having little or no relationship to the outcome of education.*

the teachers

Maintaining order on school property traditionally has been part of a teacher's normal duties. What is the legitimate responsibility of teachers in a disruptive situation? Do teachers and other staff members have a role to fill? Recent collective-bargaining contracts with teacher groups evidence the teacher's desire to remove himself from contact with students except in the classroom. What are the implications of such a trend? Teachers, particularly in a disruptive school, feel isolated in their classrooms.

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"The key to a number of problems that we have in our schools today is to be very careful with the people we turn loose in the classroom." PETER BLAUVELT

An increasing number of teachers admit fear of their students. A noted response to these attitudinal changes is increased hiring of male teachers at the secondary level. This in itself has a detrimental effect on teaching and learning, as the market for teachers has traditionally contained a higher number of quality women teachers than men.

Many observers argue that teachers have purposely used the cloak of professionalism and the muscle of collective bargaining to evade what should be their responsibilities for discipline throughout the school.

Teachers are the best resource for controlling student behavior—provided they are willing to work with students and not limit their function to the instructional process.

Obviously, teachers cannot escape involvement in this problem. Classrooms cannot be sanctuaries in a school where the halls and lavatories are dangerous. Students who are concerned about their personal safety after the bell rings for class dismissal are not likely to concentrate on their work in class.

The ideal role of school security is to provide an environment of stability and safety. Such an environment can be established through procedures that reinforce the formal educational values governing the school and enlist students in the common task of preserving a community atmosphere that supports many different kinds of legitimate learning activities.

A security director declared that involving the students and citizens in the school's operation, including the security program, was the only way to achieve a sense of school community. "If I am a victim of a crime, I probably have in the back of my mind how to deal with that crime. We formed a student security advisory council in our school system. We said to the secondary students, 'look, you have a vested interest in this building.' We do not exclude anybody from joining. Whoever wants to get involved can. I will even bring in a youngster who may be part of the problem, because the only way we are going to come up with solutions is to involve everybody without restriction."

An effective security program has to have the commitment and, therefore, the involvement of the students, not only in recognition of the problem, but also in planning and carrying out corrective measures. "Where young people as part of their schooling participate in other human services with responsibility for someone else, security problems are not as great," a discussant experienced in student involvement programs declared. "The youngsters are responsible and held accountable. That does something to them that permeates the entire school.

"The biggest block to youth involvement programs is the old-world concept of teacher (meaning a position of lecturer rather than participator). When we give training programs as we do, we have to work on attitude change among the school personnel to recognize that young people need to be treated as adults. They are really adults, except that we haven't given them the responsibility that they should exercise. They never learn it because we just drop them before they have had time to practice it which is what youth involvement and participation is all about. I see student involvement as the big preventive measure in a school security program, because the students make it their responsibility."

the students

In order to set up a successful security program utilizing students, the school administration must start with students at a point where they can accept the fact that they have a vested interest. A discussant elaborated, "Sometimes students cannot identify with washrooms as being their problem, but when it is their locker or their car that is being broken into, it becomes a very real thing to them. Start at that point."

The biggest single security problem at a high school in the Northeast was the theft of tape decks, batteries, tires, and even cars from the school parking lot. The system's security director held an assembly for everyone who drove to school. Three hundred students showed up and after the assembly, 293 volunteered six at a time to patrol the parking lots. "When I say patrol," the director commented, "what we ask them to be are observers and reporters of incidents. We do not want them to take any overt action. When they see a car come on to the campus that does not belong there, the observers call the security officer or investigator-counselor and let them know about it. We have cut larcenies from automobiles from about 35 a month to almost nothing at that senior high school. The students were involved. They did it, not my security people. The more that I involve the students in the program, the greater opportunity we are going to have for success."

The formation of the student security advisory council is based on the idea that a student not only has the right to enjoy a feeling of security while is school, but also has the responsibility to help

maintain that security. Selecting a true cross-section of the school's student body to serve on the council is important. Volunteers should be openly encouraged. Approximately 15 to 20 students should serve on the council. No student should be appointed to the council by the school administration as such action undermines the effectiveness of the program. Properly supported and encouraged, the council can deal with specific problems such as the prevention of thefts and fights or general items such as improving race relations and bettering the atmosphere within the school. The council serves as the means of bringing students together to work on solutions to the school's total security problems. The student security advisory council is not a police agency and does not have enforcement powers.

An essential ingredient to establishing a security program with student and citizen involvement is a free flow of information. Discussion groups are suggested as a way to break down typical pseudobarriers between students, faculty, administration, and, possibly, law enforcement officials and parents. These sessions help to create an atmosphere which opens up needed information channels to stem security problems. The use of discussion sessions may take several months before the old prejudices die and the proper atmosphere is achieved.

If school youth patrols are viable as demonstrated by the "white hat" youth patrols organized in the civil riots of the late 60's, guidelines for their development and sustenance must be established. These patrols are relatively easy to form and operate during a crisis, but their existence in the long run presents a challenge. The use of such patrols made up of students may be useful in fending off large disruptions but will likely be of less assistance in stopping individual assaults.

The sentimental attitude that adults harbor toward young people in school is probably the single biggest barrier to these feasible student involvement efforts. Educators talk and write about the changes in student rights, responsibilities, and obligations; the lower voting and drinking age; or the earlier maturation. But the barrier-oriented school systems persist in sustaining a fantasy of the adolescent as an essentially naive individual who will move through this established tract to enjoy, at a later point, the rights conferred by adults.

Another hurdle to involving citizens and/or youth in school security matters stems from a basic attitude among educational and establishment leaders that students and private citizens have no moral, legal, or professional role in such matters. An ego problem arises in the principal's tacit admission of inability to cope with security in his school. Other objections to student and citizen participation come from law enforcement officials, parents, community leaders, and even students.

Is the school the last chance for some youngsters before a life of crime? Can security officers also serve as counselors and attempt to alter student behavior? An affirmative answer to these questions will raise more questions of overlapping responsibilities with welfare and mental health agencies. Jealousy between bureaucracies can destroy a promising program. However, important human considerations dictate involvement in these gray areas. *The school that maintains a safe, secure environment may become the only stable element in a youngster's otherwise tormented life. It could be the turnkey to his becoming a contributing citizen rather than a ward of the state.*

training for citizenship

What should the schools be doing program-wise about the high incidence of crime among adolescents? A major emphasis is needed on educating students for increased citizenship responsibility.

The traditional school approach to teaching citizenship is embarrassingly ineffective. For most students, a course in civics is terminal education in American government. To make the matter worse, this course is too often taught by the school's most ineffective teacher as administrators attach little importance to civics courses.

The conventional civics approach to teaching citizenship with its itinerant visit to the local courthouse has not been effective. The effort to teach young people about responsibility and citizenship requires that they be sent out in the community to acquire experience in our system of civil and criminal justice at work. As part of their training in citizenship, junior and senior high school students should spend part of each day working and observing in the courts, judges' chambers, probation offices, police headquarters, and law offices.

The strategy for bringing about this reform should be interdisciplinary, but each discipline should have specific objectives. From a curricular standpoint, the areas of social studies, English, and literature are more relevant to moral and ethical education than subjects such as mathematics or physical science. Consequently, the major focus should be in these areas. This new effort by the high schools should involve broad-based community participation.

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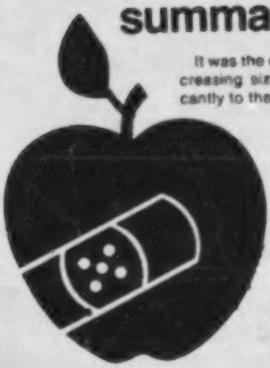
In brief, the unreproachable foundation of school skills has been reading, writing, and arithmetic. To this list of core subjects must be added a new and vigorous emphasis on education for citizenship. The objective of education for citizenship should be the student acquiring a balance between individual rights and social responsibility. This program should not go through the process of a leisurely evolution, rather the school should move swiftly toward this objective.

summary

It was the consensus of the conferees that the increasing size of high schools contributes significantly to the spread of school crime. They strongly



advocated that oversized high schools reorganize themselves into smaller units. "Big schools are out of date," an educator summarized. Savings in costs are outweighed by the human damage in student alienation. In an overcrowded atmosphere, students develop the attitude that they have no control over their destiny or situation. This is turn leads to apathy or, even worse, hostility. The student body becomes fractionated.

The conferees formulated the following proposition: The lower the sense of community that is felt within the school the more likely a security problem will exist. Conversely, a sense of community establishes a relatively secure atmosphere. In present large school plants, a psychological reduction can be accomplished through adoption of the "house" style organization which gives teachers and students a manageably smaller human group to which they can direct their collegial loyalties.

One successful approach to tackling the problem of oversized schools is the use of alternatives. Alternative programs using the entire community as the school campus, coupled with a vast expansion of work-study opportunities, are options which guarantee better dispersal of students. Quite apart from their educational value, action-learning programs pursued in the community diminish the severity of the school crime problem. Again, the key is community involvement which must include the use of all community resources as the student's educational campus.

By expecting a designated authority to assume all responsibility for ensuring their safety in the school, students are deceiving themselves. *If a security effort is to be effective, it requires a certain level of active cooperation from those receiving the protection. Students must exhibit more concern for the acts of their peers.*

The potential for violence or the avoidance of it lies in the student body. If denied a voice within the educational setting, students are more likely to contribute to school crime by their apathy.

22

1

All school administrators should set up an appropriate record-keeping system in order to pinpoint patterns of school crime in an effort to anticipate potential problems.

2

Oversized schools which foster an impersonal atmosphere must be reorganized to create smaller units that give rise to a feeling of community among students rather than personal alienation.

3

Increased involvement of students and citizens in all aspects of school life is imperative if the schools are to comprise a safe and humane environment for all.

4

School systems must offer appropriate alternatives and options in school programs which will provide substance and meaning to the broad range of student abilities to be served.

5

If the rate of crime reaches a point where it is necessary to employ security personnel, the school system should employ a professional staff with a law enforcement background rather than use guards and uniformed police in the halls.

6

Substantial resources should be allocated for the development of curricula with an emphasis on the teaching of moral and ethical values. Developing this program would require the active participation of educators, legal scholars, and a broad mix of citizens in the community.

recommendations

A RESOURCE MANUAL FOR REDUCING CONFLICT AND VIOLENCE IN CALIFORNIA SCHOOLS

Edited by Ruth Pritchard, Virginia Wedm
Cover Design by Jan Parrott

> *Schools are hit by vandalism because they represent failure to children. Violence comes from a person feeling: Nobody cares for me. We've got to develop a sense of community and community action. No police force is ever going to be able to combat juvenile crime and vandalism.*
>
> Dr. Philip Zimbardo
> Stanford University

California School Boards Association
Joseph M. Brooks, Executive Secretary

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The suggested procedures for bringing about community, interagency cooperation were drafted by Margaret C. Grier, Chief Probation Officer, Orange County Probation Department. The model for the school-based interagency team was provided by Jerry Mullins, Project Supervisor, Yerba Buena Crisis Counseling Center, San Jose.

Many of the model programs were collected by Owen Knox, Council of Black School Administrators, and Ron Johnson, President of the Association of California School Administrators. Both men functioned as chairmen of subcommittees of the Ad Hoc Committee on the Prevention and Management of Conflict and Crime in the Schools, established by Wilson Riles, Superintendent of Public Instruction, and Attorney General Evelle Younger.

Agency lists and bibliography were supplied by Sterling Boyer, Office of the Attorney General. The "Heart of the Matter" philosophy was developed by the Minority Education and Student Needs Committee of CSBA, Daniel Towler, Chairman, and articulated by Joseph M. Brooks, Executive Director, and Charles Wood, President, CSBA.

This resource manual was compiled to assist the state-level Ad Hoc Committee in an effort to get an action plan and resource materials into the hands of school, agency and community leaders as quickly as possible.

THE HEART OF THE MATTER

by Joseph M. Brooks
Executive Secretary
California School Boards Association

Current Practices Do Not Appear to Get To The Heart of The Issue

The usual recommendations for conflict resolution and violence prevention do not appear to get to the heart of the primary causes of the violence. Organizational responses to the issue of crime and violence appear to represent adult organizational philosophy rather than a critical search for basic causes and solutions.

One could expect parent groups to express on an issue the need for community involvement; teacher's organizations to plea for class size reduction; school boards to ask for better teachers through inservice training; school administrators to advocate study, survey and research; juvenile authorities to search for better practices of rehabilitation.

The suspicion is that these responses are adult needs expressed through adult-oriented organizations and may have little relevance to the identification of individual mental and emotional illness that results in destruction and violence.

Socially adjusted adults continue to philosophize on containment of violence in meetings while socially maladjusted individuals, young and old, wander around campuses, elementary and secondary, living bombs of violent behavior.

The cause of violence and vandalism is simple — internally within a child or an adult is a need to harm people and things. When we begin to develop programs to identify these people with problems, to develop school institutional structures that can extend help to those in need, then we will begin to reverse the upward trend in violence and vandalism. When we can help people to have self-esteem at an early age, help people to have the potential to care and love, we will have safe streets, safe schools, and safe communities.

Recommendations

A. The solution must start with the question: Why does a child or adult commit vandalism or violence?

Why can one child hug and kiss his or her teacher and another sit in sullen resentment and withdrawal? Why can one child cheerfully clean his desk and another must throw ink on the walls of a classroom? Why can one child engage in cooperative plan activity and another must hit, strike, and abuse any weaker child encountered?

Why and when did a child first feel frightened and insecure — unable to feel at ease and be himself? Why and when did a child first feel generalized anger — a need to get even? Why and when did a child first feel a reluctance to go home, to go to school, to go to church, to go to the playground or the youth activity?

Why and when did a child first feel guilty, dirty, inadequate — unable to cope? Why and when did a child first perceive the outer world as his enemy and withdraw into himself?

If we learn the answers to these questions and develop for the child programs that offer assistance early, then violence and vandalism could, in a large part, be eliminated from American schools and indeed from American life.

B. The solution must recognize that all indications are that between birth and eight years of age, the factors that cause violence and vandalism and all other forms of anti-social behavior have done their work. We know today there is no such thing as child and adult behavior. There is only consistent human behavior expressed in cognitive and emotional responses learned at a *very early age.* Help when and where needed should be the primary objective of early childhood and elementary education.

Helpful programs must, therefore, be taken to the child at an early age — this means: (1) to his home, (2) to his school, (3) to his church and club activities, (4) to his neighborhood street and playground. Our elementary schools must become family-centered institutions.

(1) The curriculum must give the child a chance to study himself — where he is, how he got there.

(2) The school must provide help for his parents to understand where they are and how they got there.

(3) The church and other institutions must be integrated into a supportive role.

(4) Community programs offering activities for youth must be assisted in understanding their important roles and must be supported by the community.

(5) All the present social institutions and agencies working on these problems which are scattered geographically across our communities and managed by a conflicting bureaucracy, must be housed in neighborhood assistance centers to be located in the elementary schools of this country. The programs that seek to sustain the intellectual, emotional, and physical well-being of a child must be brought to the home, school, and neighborhood where a child is formed by the experiences of his early years.

Some Hard Questions Will Have To Be Asked

We must stop being protective of the feelings and images of adults and adult institutions. The causes and factors in the adult world that lead to the creation of angry, ill children must be put under the identification microscope.

We do not believe that the adult world will ever be made a perfect place in which children can mature. We do believe that with proper helpful programs the great majority of children can be taught to cope with the injustices of the adult world without resorting to senseless violence.

It must start with a willingness of adults to look honestly at themselves as parents, teachers, church-people, neighborhood citizens, lawmakers, and to understand that, at least in part, most of the laws passed in the name of helping and safeguarding children are laws passed to satisfy adult objectives and to protect some adult relationships with children. We cannot help but comment on the historical fact that anti-child labor laws and compulsory education laws were only passed when child labor became competitive with the adult workers of the world.

We, therefore, believe these searching questions must be asked:

A. Does a child grow in confidence and security because of his/her home, or does the home contribute to his/her illness? With more than one out of three homes in America breaking up, home life would appear to lack something for many adults; a suspicion exists that it offers even less for many children.

B. From individual parents, does a child learn justice and love, or are his/her first experiences models of indifference or even abuse?

C. From his/her community, does a child learn the meaning of cooperative caring, human sharing, or does he/she learn indifference and upmanship; does he/she see beauty or ugliness, hear concern or apathy, know quiet and security or anger and violence?

D. In his/her school, does a child sense that he/she is important — that someone will give her/him time to be concerned with the most important thing in the world — himself/herself; or is he/she constantly pressured at the sound of a bell to meet adult demands to read, to draw, to figure, to become a statistic for a teacher, a school board, a state official, a state legislature?

E. Will a child encounter in his/her church, scout troop, and schools adult people who care for him/her, who can listen and hear his/her needs; or will an adult treat that child as a sinful object needing salvation, an inferior intellect who needs to be pumped full of adult wisdom, an object to be molded to a mythical organizational image?

Some Important Statistics

In a recent legislative newsletter Assemblyman John Vasconcellos published these statistics from official records and public polls.

—Last year there were 210 suicides in America by children under the age of 13;

—Last year 600,000 kids ran away from home in America;

—In 1971, 60,000 child abuse cases were reported in America;

—Serious crime by girls under 18 has increased 306% since 1960 in our country;

—In the first 9 months of 1973 California had 131,000 marriages and 118,000 divorces;

—14% (41,306) of all live births in California last year were illegitimate;

—Pharmacists filled 225,000 prescriptions for psychoactive drugs in 1970;

—We have 10,000,000 alcoholics;

—59% of our people (recent Harris survey) feel alienated, disaffected; and/or disenchanted with our country;

—63% believe believe the people running the country don't care what happens.

In the great beehive of modern society this alienation is growing; so is vandalism and violence among the young.

Summary

The task facing our schools and society is not an easy one. For we must ask adults, parents, teachers, board members, taxpayers, legislators and the authoritative institutions they represent to admit their own inadequacies as they relate to assisting the healthy growth of a caring human being. And what is even more difficult is to ask them to spend their time and resources to create a world for children that in most cases they never knew — a world that may appear to threaten the defenses they have so carefully and for so long developed. For if society tells an adult, whose own personality is the result of an indifferent environment, that as a parent, a teacher or policymaker he/she should love the child in his/her care, but does not teach that parent how to do so, then the adult will hide his/her guilt — societal failure — in a thousand ways. He/she will call it the sanctity and privacy of the home, academic freedom, the inability of the school to be everything to everybody, the need for discipline, excessive welfare, prohibitive cost, brainwashing. The defenses are endless because the inability to love among adults is very great. Not because of intent, but because of the way he/she must respond to life, the adult passes his failures to his/her children.

Note

Throughout this book are interspersed excerpts from the writings of high school students. They were collected by Andrew Summers in his year of teaching a class of "hard-core Failures" in an educational study known as "Operation Wastebasket," and are fully presented in his book, *Me The Flunkie.** These "themes" which are classwork on various assigned topics, express the frustration and alienation of the type of student this manual was published to help.

The name of my book is City Jungles and is about Crime don't pay and all. What the book is tryin so say is the same as that. That is the top ic my review theme. IF youl read the book you'll see what the auther is tryin to say in his theme.
Buy the way Mr. Summers I want be hear tomorrow cause some mans put the wipe out on me and I got to go to court.

Sherman

i have always wanted
to blow every school
into little bits. someday
i probly will.

Burr Cox

The Book I read was Les Miserables which means people who has a tuff time in life. It had a lot of big words and I only read 14 pages and stopt. It was a hard book. I guess I am a Miserable sort of.

---

* Andrew Summers, *Me The Flunkie*, Fawcett World Library, 67 West 44th Street, New York, N.Y. 10036. 1970.

THE INTERAGENCY TEAM CONCEPT

by Jerry Mullins, Project Supervisor
Yerba Buena High School, San Jose

We frequently hear references to the *management* of conflict and crime on the campus. To me the word *management* does not necessarily suggest that we are *seeking the root causes* of crime and conflict as much as it suggests that we must build a structure within which we are better able to contain violence and establish a climate for *dealing with the root causes* of crime and conflicts. I would submit that management structure is indeed the major problem in our educational system today.

The management problem is a result of the long standing split between the school and the community. Historically, our schools have been self-contained societies without the full benefit of human services that are available to the larger community. As a result, the schools have had to cope with socio-economic problems in their own fashion.

Educators have had to divert their attention from their primary function and take on secondary roles that had nothing to do with their academic responsibilities. They have been doing this ever since the establishment of the little red school house, but now in this highly technical, urbanized and much enlarged world, where school enrollments exceed the population of some small rural townships, the practice has become disastrous.

Add to this the disruption of family life, the loss of control and respect of parents by their children, the multitude of new experiences and philosophies in this "enlightened" society, the alienation and disenchantment of the poor and the minorities and the problem of management in the schools becomes even more ominous.

Philosophy and Method

Crime and conflict in the schools has reached a critical level. We must recognize crime and conflict on the campus as a crisis and deal with it as such. If we do recognize it as a crisis, it would seem that our first concern would center around the endorsement of a philosophy and method of containment.

Such a philosophy and method would have to contain within it, not only a solution for the immediate crisis, but a structure that would encourage consistency, continuity, and basic conformity bringing about a new stability on the campus. It would have to be a structure that generates an on-going momentum within the school to develop the programs to deal with the root causes of crime and violence, but at the same time to assure that the good results of those programs are reinforced from grade 1 through grade 12. Only a sophisticated system of school management based on a working relationship between school and community can achieve this kind of structure.

Root Causes of Conflict

Although the Yerba Buena Crisis Counseling Project has only been in effect for two and one-half years, the philosophy and method behind it has been evolving for the past ten years. In 1963, we developed a program called Project Character to study the root causes of conflict in the lives of our young in the East Side of San Jose. We took surveys of students, teachers and parents; we conducted teacher inservice programs and invited students, teachers, parents and community leaders to confront education with their concerns and problems.

We learned what the major disruptions were in the lives of the young people of our community, but they were of such a nature that we as educators laboring within the constraints of our educational system were not able to deal with them. They called for a special coordination with outside services that simply did not exist during the three years that the project was functioning. In fact, we had not even reached that stage of development. That would come after painful experiences of riot, violence, bombing, philosophical and racial differences. From these painful experiences, we learned that the school could not stand alone.

Programs such as Project Character, where we concentrated on self-image, teacher-student relations, etc., were all well and good, but without an effective school-community management system they were not much more than 10% effective. An on-campus riot took place in 1967. The tie between community and school was weak; confrontation resulted.

Teachers and administrators were at odds in regards to basic disciplinary procedures. Teachers themselves were as much divided as people in the community. Students received an overdose of one of the major complaints recorded in Project Character — adult inconsistency. Different messages came from different teachers, parents, agency representatives and militants. The result was mass student confusion, and not much academic learning took place that year.

Home — School — Community Liaison

A new spirit began to evolve in the East Side Union High School District from 1967 to 1971. It was one that encouraged greater community involvement in school affairs. The first step was the creation of the home-school liaison program. Representatives from the neighborhood were hired by the school to improve and maintain better home-school relations. Teachers and counselors were encouraged to make as many contacts with the home as possible.

The next step came in connection with an educational park study. Its purpose was to develop a preventive strategy for meeting tomorrow's educational demands. Blue ribbon committees were made up of students, city and county leaders, parents and teachers.

The parent's committee recognized the need of an interagency concept built into the future Educational Park. It was without doubt the most innovative strategy presented through the study. It was reviewed and approved by all the committees. There was no attempt to show how it might be implemented or to expound on a school-community philosophy.

All of these previous efforts to build a new relationship with the community culminated in 1972, in a master plan to create a complete alliance between school and community. It is known as the Yerba Buena Crisis Counseling Project. Parents, students, teachers and agency professionals were involved in the development of the program.

Perhaps for the first time the role of the school in the community is being articulated and implemented in such a way that there is no doubt as to the school's relationship to the family, the neighborhood and the human service professionals. The major premises of the project's philosophy were presented at the first meeting of the State Superintendent's Commission on the Reform of Intermediate and Secondary Education:

1. The neighborhood is the smallest, most logical unit in terms of measuring need, delivering services, and evaluating results.
2. When services at the neighborhood level are increased and improved, the school in that neighborhood will begin to exhibit good side-effects.
3. The school is the established institution within the neighborhood. It's accessible to people. Both students and parents accept it. They sometimes expect more services than it can presently deliver.
4. Since the school is expected by its community to deliver more than simple academic services, it must be supported by a staff of professionals, who represent key community service agencies.
5. The school must not jeopardize its primary function, which is education. That function must not be diluted by diversion of educational staff. Rather it must be protected by the presence of a support staff representing other service agencies.
6. The school possesses a professional staff that works with the adolescent on a daily basis. Its counselors, administrators and home-school liaison consultants could be a rich source of information for the community professional. Shared information should result in increasingly effective and efficient action on the part of the community service agencies.
7. The school has a catalytic potential for uniting the community by bringing together under one roof professionals from various fields.
8. The school possesses both the facilities and the skilled personnel capable of instituting and carrying out follow-up programs once the immediate crisis is resolved.

The School As The Base

From these premises two very important components have emerged: (1) **The Agency Support System** and (2) **The Interdisciplinary or Interagency Team Concept.**

In developing the Agency Support System, the idea was to get a commitment of specific services from agencies, and organizations that would deliver when called upon to do so. Every possible kind of service was tapped, ranging from special tutoring to the supply of food and clothing. To date, there are some twenty agencies supportive of our project.

The Interdisciplinary Team Concept is the heartbeat of the Support System, and for that matter of the entire program. It is made up of a team of professionals coordinated by a school counselor referred to as the Crisis Counselor. The professionals on his team are representatives from major county agencies working out of the school. They supply services not only to the student, but to the other members of the community who have an effect on the student's life. Because they work together as members of a team vital information is shared, duplication is reduced and professional role differences are respected and appreciated.

Former escape hatches for the problem student are closed. The student finds that it is much more difficult to manipulate the system. But he also finds that there is greater consistency among the different agencies. Presently represented on the team is a social worker, a probation officer, two home-school liaison consultants, a parent and teacher training specialist, a school psychologist and a psychiatrist from the University of Stanford Medical Center. Parks and Recreation has recently assigned a member to the team.

With this kind of team work we have found that hours of counselor time previously spent on attempts to coordinate can now be handled rapidly by contacting a team member. The specialties of each of the team members are important, but together they may have an even greater importance. They encourage unity; they offer guidelines for effective behavioral modification programs; they train teachers and parents.

If fully operational, the Yerba Buena Crisis Project would be a County Service System at the neighborhood level. The neighborhood would consist of 100,000 to 150,000 people. Interagency teams would be set-up at key schools in the neighborhood.

A management or operations center would act as a focal point for neighborhood residents and team members. It would house a management team representing the major agencies and the people. It would act as an umbrella for volunteer and other satellite agencies.

From that Center and from the teams associated with it would come the leadership necessary to cut through the present maze of bureaucratic red tape. It would increase accountability by placing it squarely on the shoulders of the interagency teams responsible for upgrading the neighborhood. Continuing Needs Assessments would be practical and on-going. Expectancies would be clear cut. If there are 100 people on welfare, the team will know it; and they will be expected to reduce that number by initiating whatever programs may be called for. If delinquency is the problem, they will assess the reasons for it and proceed to take action.

Whatever the neighborhood's socio-economic or academic need, the team should be alerted to it and together team members should combine skills and imagination to deal with it.

This, then, is the direction in which the Yerba Buena High School Crisis Counseling Project is pointing. With this kind of decentralization and integration of services along with the recognition of the school as the central unifying force and established institution within the neighborhood, a long list of benefits will result. These are some of them:

- Accountability will become a strong element in our county service system.
- The needs of the community will be more easily assessed at the neighborhood level than they are at the county level.
- Interagency teams working together at the neighborhood level and identifying with a specific neighborhood can deal with the problems of its residents with a great deal more sensitivity than one individual who operates out of an office in another part of the community.
- Finally, some semblance of unity and coordination will result among professionals involved in crisis intervention and prevention.

MANAGEMENT IN A TEAM STRUCTURE

by John Sellarole, Associate Principal
and Jerry Mullins, Project Supervisor
Yerba Buena High School, San Jose

Benefits of a Management Team

Internal school management is of crucial importance in establishing an interagency team project. The responsibility for encouraging professional staff development lies with the school's principal. The principal must possess the energy and competence to build, facilitate, and direct an organizational framework based on team decisions and team goals.

The team work encourages unity and consistency. Instead of working in a vaccum, professionals influence and communicate with other professionals. A weak team member is supported by other professionals and has the opportunity to develop strengths.The team approach fosters a trust and respect that does not often exist in the traditional structure.

The impact of a faculty team is felt by students and by the overall educational program. Consistency in handling students is established. Decisions are made in conjunction with team input, not by each individual staff member or the principal alone.

The Little Red Schoolhouse Syndrome

Schools that are still operating with the "Little Red Schoolhouse Syndrome" will have to change to become team operations. The strength of the "Little Red Schoolhouse" system rests dangerously on the shoulder of one person and the cult of personality is too strong. Knowlingly or unknowingly, principals can choke-off or seriously hinder professional initiative and creativity that could put vitality in school-community relations, staff development, and curriculum improvement. In the "one-manager" system the professional potential of the staff at the lower level rests stagnant. Academic and social illnesses are submerged; communication is not open, honest, and consistent. There is no mechanism for change.

Decentralized Administration

By decentralizing administrative staff in order to communicate more fully with all segments of the campus, professional development is encouraged. A major part of that development comes through professional dialogue with one another.

The team structure creates a need for frequent staff meetings to keep on top of the problems. When there are no immediate problems it provides the opportunity to discuss long range goals and is open to brainstorming. It keeps creativity and hope alive, and offers a mechanism for encouraging constructive change.

Resource people should be available for continuous professional assistance to teachers and counselors. This can be in the form of university extension courses conducted under the roof of the school itself, or it may come in the form of qualified consultants to help staff performance.

The important thing is that the school experiences a forward motion. There should be a uniform movement toward common goals, an awareness and use of the mechanisms established at the school for professional growth. Consistency is important. It cannot be an "on-again, off-again" thing.

The Importance of Public Relations

A well managed administrative team will not isolate itself from the needs of the family and the neighborhood. In the homes and in the community are the root sources of individual and group problems that erupt in the school.

A public relations program in today's school is a must, if we intend to have the required support and loyalty of the people in the neighborhood. The school must use all techniques available to communicate, not only with parents, but also with individuals, and organizations that influence students' lives.

An effective administrative team will project the school into the community by setting up family education courses, encouraging participation, and delivering services beyond the academic to the people of the neighborhood.

PARENT EDUCATION

Most parents sincerely want to raise emotionally healthy, non-violent children, but too few parents possess the skills to do it. One of the reasons for parent's ineffectiveness, of course, is that few have ever received training for the job of parenthood. Preparation for parenthood in our society presently does not go much beyond buying a new bassinet, repainting a borrowed crib and purchasing a paperback of Dr. Spock.

A number of schools are now including parent education in their counseling programs. With an interagency team, one of its members works with the parents of children who are referred for help. Experience has been encouraging. Through parent education programs, parents learn:

"1. How to relate to their children so that they are less likely to respond to adults and institutions with hostile, aggressive, retaliatory behavior,

2. How to respond to children so that they develop a positive self-concept,

3. How to be helpful when children are having social problems at school,

4. How to promote self-disciplining, self-regulating behavior,

5. How to reduce destructive, self-defeating coping mechanisms children sometimes develop, such as temper tantrums, lying, cheating, drug abuse, fighting,

6. How to respond constructively to children's resistance to school, teachers, tests, rules." [1]

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[1] Dr. Thomas Gordon, *A New Model for Humanizing Families and Schools*, Effectiveness Training Associates, Pasadena, California (1971).

Working With Parents To Help Students Manage Themselves Better [2]

Neither school personnel, community agencies nor parents can single-handedly alter behavior patterns in students that have been reinforced for years by both the parents and the school staff. Only by working together in a consistent manner can the groups effectively combine to teach students new behavior modes that will permit them to learn efficiently and achieve social significance in a positive manner.

Behavior is learned — it is people's response to the situations they encounter as they explore their environment. Each person seeks social significance. If experience teaches that significance cannot be achieved by positive behavior, that person will seek to acheive it with negative behavior. During the first years of children's lives, they learn from parents and siblings what types of behavior will be rewarded with attention, praise, or punishment. Children are constantly either encouraged or discouraged by those around them as they attempt new tasks.

The behavior patterns that disturb teachers or are later branded delinquent are merely extensions of those learned at home. Many of these patterns work "successfully" (i.e., the child gets what he/she wants) at home or on the streets, but do not work in school or in task situations.

Parents can be helped to change their attitudes and assist their children to build new, more adaptive behavior patterns through group counseling sessions. The Yerba Buena Crisis Counseling Program offers weekly parent training sessions for all who are interested. Some parents come for just one session, but many attend for three to six months and return occasionally thereafter for reinforcement. The task of the group is to identify the true causes of conflict in the family and to help the parent become aware of his/her true feelings toward the child — the feelings that may be interfering with his/her effectiveness in teaching the child. The purpose of the group is *never* to make the parent feel guilty or discouraged. Every parent is doing some things right and the group must recognize the parent's desire to be a good parent, and reinforce it.

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2. Article by Vivian Barry, Counselor, Special Programs and Jerry Powell, Crisis Counselor, Yerba Buena High School, San Jose.

Experience at Yerba Buena has shown that the simple fact of a parent's participation in such a group can cause changes in a student's attitude. The student is aware that parents and school staff are now communicating directly, and that he/she can no longer manipulate the situation. The student is often, though not always, pleased with this sign of parental interest and concern.

Parents who are attempting to set new limits for their children as a result of their group training sessions need constant support as the child acts to test those limits. No parent should be urged to try to change the home situation until he or she is ready to do so. Only when the parent's attitude toward the child changes will a change in his/her behavior be effective. Children recognize conviction as quickly as they sense its lack.

Parent groups have proved to be one way to strengthen family relationships in ways that help a student manage himself/herself better. They are effective when they are led by trained personnel, offer a consistent message, and clarify both the home and the school situation.

Involving Parents and Community In An Interagency Program [3]

A program of interagency cooperation can be successful when community trust is established to the point where success of the program is not delayed by misinterpretation of the aim of the school, organization, or agencies involved. It must be clear to the community that the school is interested only in helping students solve problems that prevent them from reaching their fullest potential. All departments (teaching, counseling, discipline, administration and support) must work as a team, each member doing his part to convey the message *We Care.*

Parent participation in Yerba Buena High School takes several usual forms: Parent-Teacher-Student Association, Parent Advisory Group, Band Boosters, Athletic Boosters, District Parent Advisory Group, Superintendent's Advisory Board, and Superintendent's Coordinating Council. Most schools have these traditional methods of parental participation and realize that these do not always provide the contact needed to establish trust.

[3] Article by Iola Williams, board member and community liaison, Yerba Buena High School, San Jose.

At Yerba Buena High School, additional avenues have been used in efforts to become accountable to the community and to establish the relationships needed to bridge the communications gap between the school and its community. They are:

1. When establishing the goals and objectives for the school and school programs, an administrator, teacher, and a parent committee meet in homes of parents throughout the attendance area for input.

2. Counselors, Title I Coordinator and Liaisons meet in various places in the attendance area to discuss with parents over coffee, any problems, concerns or suggestions about school and students. These coffees are set up by parents who invite other parents from the neighborhood in for discussion. Parents are extended invitations and are conducted on tours of the school buildings and visit classes.

3. Parents participate in surveys on a variety of subjects. One telephone survey was conducted by parents of the feeder junior high school's PTA. This survey of parents were done to establish feasibility of parent effectiveness classes — 300 parents were surveyed. 298 parents stated they would attend classes.

4. Each incoming freshman parent and student is set up for summer counseling sessions. A special fun-filled summer enrichment program is set up for low achieving incoming freshmen students. This provides an opportunity for orientation, counseling, diagnostic testing, and cross-age tutoring. The registration for this program is done on home visits by Liaisons and, or, Counselors. The two week sessions are terminated by a picnic with all members of the participating student's family taking part. In the initial program, one hundred eighty families were reached.

5. Teachers attempt to contact by telephone the home of any students absent for three days, having behavioral or adjustment problems or having difficulty with class work. Parents are notified by a personal call before referrals are made to Liaisons or discipline personnel. Poor work notices are sent to parents of all students in danger of failing as soon as it becomes known to the teacher. Good work notices are also mailed to parents.

6. Home-school Liaison Consultants visit homes of students with problems. They act as a bridge between home and school and clarify any problems.

7. Disciplinary personnel assure that no student is suspended without parental notification. Parental conferences are required on major problems, so there can be a joint effort by school and home to correct the problems.

8. The Principal takes every opportunity to express his genuine gratitude for any services, efforts, or participation by parents, students, staff, or community members. Notes of thanks from him are a rule rather than an exception.

9. A goal of the school is to get each parent to visit the school at least once a school year and communicate with staff.

10. The feeder elementary district and elementary school board play an important role in establishing communication with the community. The elementary schools advertise and support parent effectiveness classes. Board members work with the County Board of Supervisors to assure that community-supported agency staff is available to students. The feeder board took the initiative and asked five other boards to support the efforts of Yerba Buena High School's Interagency program. Without the cooperation of this board it would have been impossible to receive the support needed to institute such a program.

Hello Their,

I have always wanted to go fishing. One time I was going to go with my stepdad. We went down and bought some hooks. Some Polls. And two six paks of beer. My step dad always says no one should never go fishing without lots of beer. We was gitting ready to go when my stepdad couldn't wait no longer for the beer. He drank both six packs. He got mashed. He rilly did. We had to forgit about fishing and put him to bed and all. I have never been fishing. I do not no what makes people like he is.

I DONT HAV TO TELL NO TEACHER
WHAT I WOUD DO WITH NO MILLION
$ WHAT I AINT GOT NO HOW'

If I had a million $$$$$ I would get me a airplain and go to ASIA and shoot ever one of them hairy spider monkeys.

p.s. no more a flunkie

Jason

If I Had A Millon $

It would proble be only a temporary situatin. I would probly not get to spend it. I was given a $ 30 bill oncet. But I did not get to spint it. My philossafy is: You don't get nuthin for free unles you still it.

AN ACTION PLAN FOR SCHOOL, AGENCY AND COMMUNITY COOPERATION

The County Office of Education is at the logical level to be the catalyst for regional action. By bringing together the school districts and the agencies that work with children at a county level, the county office can be the initiator of the formation of a unified organizational structure essential to dealing with the critical community problems of crime and violence.

Each county will be different from other counties. A plan needs to be developed by the people of each county to fit the needs and the resources of their particular community.

The county office can take the first step by calling a countywide town hall meeting at which all of the school districts, agencies, organizations and citizens concerned can jointly consider their mutual problems and discuss possible solutions.

The county office can provide a forum, sample model programs, resource people and a possible plan for action. If the county superintendents elect to propose the school-community interagency team concept, they should:

a. Not only understand it in detail, but more importantly, believe in it.

b. Have a thorough knowledge of the philosophy and method behind the approach and be able to state clearly the benefits that could result to the school and to the neighborhood surrounding the school.

c. Understand why the school is the logical coordinator for interagency efforts.

d. Be aware of the full meaning behind the remarks of the or the significance of Commissioner Bell's statement:

> *"The school should be used as a Delivery Mechanism, not only for working on students' learning problems, but for health care and other social services as well."*

Suggested Procedures At The County Level

Step 1. Meet with your own staff first. Draw on your counselors for their ideas and any experiences they have had. Bring in your public information officer. Brainstorm the relationship of the school with the student, family, neighborhood and human service professionals. Form a county office executive committee to follow through on an action plan.

Step 2. Make a list of the agencies and organizations in the county who should be involved. Contact local superintendents to identify programs or people to be involved and get their ideas.

Step 3. Broaden the base of the executive committee by inviting key agency heads identified in your county. Have them work with your county office team in this planning stage. From this team can come an effective format for a county-wide meeting. Try to anticipate and answer all questions and objections that may come up in the larger meeting.

Step 4. Call a county-wide town hall type of meeting that will involve all elements of the community. Large counties may want to consider alternatives such as holding several regional meetings, or meeting with groups of superintendents and district board presidents who have adjacent districts and asking them to convene meetings. The following should be invited to this meeting: 1. all agencies and all organizations in the county, being sure to include parents, students, teachers, and community leaders, and 2. all district superintendents and school board presidents.

Plan for this meeting a full day's workshop adequately staffed by the county office.

Step 5. At the initial meeting, form a county executive committee with cross-section representation. Choose leaders from the superintendents and board presidents and heads or representatives from key agencies and organizations. Be sure to include parents and community representatives. The executive committee can then appoint task forces or subcommittees. The subcommittees are particularly important in large counties or in scattered population areas. These groups can:

A. Assess county problems and needs.
B. Identify existing services and ascertain the extent of possible coordinated services.
C. Target districts and neighborhoods most in need of action.

Stress that these groups are for planning and action and should not go into exhaustive studies.

Set a deadline — one or two months — for task forces and subcommittees to report. Reports can include such items as alternative plans for interagency action, lists of agencies in the county that were involved in the planning or have made a commitment to be involved in the action program, and estimated costs for implementing plans, is known.

Step 6. The executive committee can review and make recommendations.

Step 7. Call a meeting of district superintendents and board presidents to present the executive committee's recommendations.

Now the action moves to the district level. Ask the school boards to convene, within a month, a town hall type meeting in the district. Set a date for that meeting and follow through from the county office to assist districts with their meetings.

Services County Offices Can Provide

Televised violence has been indicted as a contributing factor to youthful crime, conflict violence and vandalism. Thus far, efforts by individual groups to influence the networks or sponsors has had little effect.

County offices, in conjunction with other concerned county agencies, could consider launching a campaign to eliminate violence from television. If all the concerned agencies in all the counties in the state contacted the television networks, advertisers and advertising agencies, it would be a powerful voice that would be difficult to ignore.

Among other possibilities for County Office action are:

1. In conjunction with other concerned agencies develop a philosophy of approach and background information on county resources.

2. Serve as a distribution agency for recommendations from the county task forces and executive committee.

3. Prepare lists of county agencies and organizations, including address and phone numbers, that have been involved or that can serve as liaison.

4. Assemble and publish examples of successful model programs and provide them to districts and concerned agencies.

5. Maintain a file of resource people in the county and state who can assist in setting up programs. This list can be made available to concerned state agencies.

6. In conjunction with other agencies plan for field support and assistance in such areas as inservice training, training materials, staff assistance, etc.

7. Establish an on-going public relations and media campaign to engender media understanding and cooperation in informing the public and eliciting cooperation. This might be done cooperatively with other agencies.

8. Establish a liaison structure in conjunction with other agencies for continuing communication with the School Boards Association, the State Department of Education and other concerned state agencies.

9. In conjunction with other agencies at the county level, review and prepare legislation to facilitate interagency programs. Funds might be needed to finance skilled teams to travel the state articulating the new school-community organizational philosophy and assisting in initiating programs wherever requested. Funds might be requested to launch a statewide educational campaign on the value of school-community alliances and the interagency team approach. Funds may be needed to house and staff interagency teams at the neighborhood level.

Suggested Procedures at the District Level

When the action moves to the district level, the members of the school board play a vital role. They are the closest to the community and can draw on the resource people in it.

The Board should convene the district-wide meeting and work with the superintendent and a staff executive committee in planning the district town hall meeting.

The Board should see that concerned citizens, parents, and students are invited, and should seek out parent advisory council leaders and involve them. Parents and the community citizens should be invited by the Board rather than the professional staff.

Step 1. Meet with your own staff first. Draw on your counselors for their ideas and any experiences they have had. Bring in your public information officer. Brainstorm the relationship of the school with the student, family, neighborhood and human service professionals. Form a district office executive committee to follow through on an action plan.

Step 2. Make a list of the agencies and organizations in the district who should be involved. Contact local principals to identify programs or people to be involved and get their ideas.

Step 3. Broaden the base of the executive committee by inviting key agency heads identified in your district. Have them work with your district office team in this planning stage. From this team can come an effective format for a district-wide meeting. Try to anticipate and answer all questions and objections that may come up in the larger meeting.

Step 4. Call a district-wide town hall type of meeting that will involve all elements of the community. Large districts may want to consider the alternatives of holding several regional meetings, or meeting with groups of principals and district board presidents who have adjacent districts and asking them to convene meetings.

To this district-wide meeting, invite the following: 1. all agencies and all organizations in the district, being sure to include parents, students, teachers, and community leaders; 2.all school principals and PTA presidents.

Plan a full day's workshop adequately staffed by the district office.

Step 5. At the initial meeting, form a district executive committee with cross- section representation. Choose leaders from the principals and PTA presidents and heads or representatives from key agencies and organizations. Be sure to include parents and community representatives. The executive committee can then appoint task forces or subcommittees. The subcommittees are particularly important in large districts or in scattered population areas. These groups can:

A. Assess district problems and needs.
B. Identify existing services and ascertain the extent of possible coordinated services.
C. Target districts and neighborhoods most in need of action.

Stress that these groups are for planning and action and should not go into exhaustive studies.

Set a deadline — one or two months — for task forces and subcommittees to report. Reports can include such items as alternative plans for interagency action, lists of agencies in the district that were involved in the planning or have made a commitment to be involved in the action program, and estimated costs for implementing plans, if known.

Step 6. The executive committee can review and make recommendations.

Step 7. Call a meeting of principals and PTA presidents to present the executive committee's recommendations.

Suggested Procedures At The Local School Level

At the local school level, the principals are the key. They know the neighborhood, the students, the parents, the community leaders, and the needs of their own school community.

Equally important, the principals are the key because a school-community cooperative project or team approach requires a high level of sophistication in management techniques. Principals need to be able to direct a team operation and become facilitators, a different role than usually exists in the tradiitonal structure.

Principals will want to make a point of involving community leaders and parents who have served on parent advisory councils and others who have worked with the schools previously.

Step 1. Meet with your own staff first. Draw on your counselors for their ideas and any experiences they have had. Bring in your public information officer. Brainstorm the relationship of the school with the student, family, neighborhood and human service professionals. Form a staff committee to follow through on an action plan.

Step 2. Make a list of the agencies, individuals, and organizations in the community who should be involved.

Step 3. Develop an effective format for a community meeting. Try to anticipate and answer all questions and objections that may come up in the meeting.

Step 4. Call a community town hall type of meeting that will involve all elements of the community. Be sure to include parents, students, teachers, and community leaders. Plan a full day or evening workshop with time for small group discussions.

Step 5. At the initial meeting, form an executive committee with cross-section representation. Choose leaders from the staff, PTA, and heads or representatives from key agencies and organizations. The executive committee can then appoint task forces or subcommittees as needed. These groups can:

A. Identify existing community services and ascertain the extent of possible coordination.
B. Target problems most in need of action.

Stress that these groups are for planning and action and should not go into exhaustive studies.

Set a deadline — one or two months — for task forces and subcommittees to report. Reports can include such items as alternative plans for interagency action, lists of agencies in the community to be involved in the action program, and estimated costs for implementing plans, if known.

Step 6. Executive committee can review and make recommendations.

Step 7 Call a report meeting of the initial group to present the executive committee's recommendations. Now the action phase begins. Establish an on-going team to implement the recommendations.

Suggested Agenda For Town Hall Meeting

A. Keynote speaker, a well-known community educator if possible, to talk about the urgency of the problem and the necessity of cooperation to a solution.

B. A counselor or psychologist to speak about the causes of violence and the approaches to early identification and early assistance for troubled youngsters and their families.

C. The superintendent, board president, or principal to present a plan for action. Back up the action plan presented with printed materials for distribution to all in attendance.

D. Have one or two speakers from probation, police, juvenile justice, or other agencies speak of the role of the criminal justice system in cooperating with the schools and other agencies.

E. Have a presentation of a successful interagency project in some detail. Try to find such a model in your community if possible.

F. Arrange for participants to meet in small groups mixed with a cross-section of agency representatives, school people, board members, and citizens. This can be done at lunch or as a part of the afternoon session. Have the total group reconvene for a closing session during which an executive committee is formed.

Sample Letter for School/Agency Heads to Send to Their Organizations After the Conference

I have recently attended a conference on developing a program for dealing with youthful crime and violence.

A proposal was presented for an action plan that will be a cooperative effort of the schools, service agencies, criminal justice system and citizens. It is a plan that can be taken into individual communities for implementation at a local level.

I would like to emphasize to you that this is one of the most pressing problems facing our society today and we, working together with other agencies and organizations, can take some positive action to begin to effect some much needed solutions.

I urge you to support the general concept and to participate in any program planning activities in your area.

PROGRAMS THAT ARE WORKING

The following programs are examples of various approaches districts and schools are taking to either help the troubled student or to prevent student behavior problems from arising. The methods, too diverse to categorize, represent only a small sampling of existing approaches.

What successful programs have in common is that they make an effort to meet student needs and that they involve the students — and usually the community — in solutions.

Many schools have found the answer to vandalism is not in more expensive security equipment and additional security guards but in giving the students a stake in preventing damage.

Some have done it by setting up a fund for purchase of record players and other special equipment students want or for beautifying the campus. They start with so much money and add to it as money is saved by decreases in vandalism. Students in one school used their money to plant trees, buy outside benches and new equipment.

Redlands and at least one Los Angeles school held painting parties with children selecting the colors, the board buying the paint, and the students painting the school themselves. In every instance where methods of this type have been used, vandalism has decreased.

Pomona Unified used bumper stickers and telephone stickers, and San Francisco passed out cards urging citizens near schools to watch for vandals and to phone if they saw any suspicious activity. Both call the program a success.

Also in San Francisco, students have formed committees to stop vandalism and crime. A side effect was a series of newspaper interviews with these students that raised the student image in the community by quoting students deploring muggings and vandalism and vowing to work to stop the handful of offenders.

The Community School Approach

A Community school operates as a total opportunity center, year-round, night and day. During the past three years 66 community schools have been started in California. With a relatively small monetary investment, the use of the building can double, and the entire community can become involved in working together for programs and activities that prevent conflict and violence. For information or assistance contact the California Community Education Center, School of Education, San Jose State University, San Jose 95192.

Sunnyvale Community School Program
Sunnyvale Elementary School District
750 E. Arques Avenue
P.O. Box 217
Sunnyvale 94086
408-736-4981

The Sunnyvale programs for dealing with violence and vandalism are based on a long range plan to develop in the youth a sense of belonging to the community. Specific programs include the following:

1. Un-Vandals Club — Neighborhood Youth Corps students, 73% of whom have participated in some form of vandalism, come together to clean and landscape the schools.
2. Fairwood School Community Garden — Youths and adults of the community have transformed an area into a productive garden, and provided a rewarding activity for many of the students.
3. NYC Program is a program which provides employment for disoriented youth.
4. Community Councils — People in the community, representatives of agencies, and school personnel work together to advise the community school program.
5. Project STOP — "Student Training on Prevention" is a project initiated in cooperation with the Attorney General's office. The project trains junior high students to teach prevention to elementary students.
6. Cross-Age tutoring — In cooperation with Sunnyvale High School, elementary students are tutored by high school students.

In addition to these, there are counseling programs, drop-in centers, day-care centers, dance classes, educational classes and other activities.

The Sunnyvale Community School project is operated with district funds and was on a three-year grant from the California Council on Criminal Justice. Community and agency cooperation with the school is an important factor in the school's program. For every dollar of district and Federal money, more than one dollar of services or personnel resources were contributed.

Cortez Street Elementary Community School
Contact: Don Macri, Assistant Principal
1321 Cortez Street
Los Angeles 90026
213-680-9170

Target Population: Elementary school of 1,600 in a poverty area with 95% Mexican-American students

Cortez School instituted the following programs to enable the surrounding community to feel they were part of the school. Vandalism and community/school ethnic-based alienation were virtually overcome.

1. Community Walk — New teachers walk the neighborhood learning about the culture, and meeting parents, merchants and church leaders.
2. Parent Participation in Classroom — Twenty-five Spanish-speaking education aides are hired from the community; in addition, parent volunteers, noon directors and teacher's assisants from the community work in the school.
3. Open Door Policy — Parents are permitted to visit the children's classrooms at any time, without getting a pass from the office.
4. Conversations with Parents — A two-way dialogue is held between parents and teachers periodically, at which time teachers learn about the child's home life as well as parents learning about the child's school progress.
5. Faculty Men's Club — This is a group of faculty men and fathers formed to motivate the fathers to assume more responsibility for the success of the children in the school, an assumption that would be contrary to the Mexican concept of machismo, which delegates the pursuit of education to the women in the family.

6. Parents Advisory Committee — composed of parents, community and staff members who advise anyone who needs advice in any of the school activities.

7. Merchants for Cortez Program — Merchants who contribute to sending 32 children to a day at the Sacramento legislature, plus sponsor other activities, are privileged to display an emblem informing the community that they are members of "Merchants for Cortez."

8. Cortez Street School Community Group — A community oriented group of parents and teachers meet monthly to discuss concerns such as consumer education, drug abuse, vandalism, etc.

9. Block Parent Program — Certain volunteer parents on blocks near the school display a sign indicating they are block parents and so are available for help in case of trouble with children walking to school. During prime times, they watch for trouble on the streets.

10. Police Visitation Program — Police in uniform visit the classrooms periodically so the children get to see a policeman in a non-threatening situation.

Community Involvement
Contact: High H. Dooley
Sepulveda Elementary School
4600 Merrill Street
Torrance 90503
213-328-8080

Target Population: Elementary School Students

The school has many "open door" activities which, by giving the community a sense of ownership in the school have decreased vandalism. Some of these are: 1. local clubs, whereby adults and youths meet at the school, 2. playground gates are unlocked at all times, and 3. the school loans athletic equipment on a long-term basis.

Fountain Valley School District is another district with an extensive community school program. For information contact: Patricia Clark, Director of Youth and Community Affairs, Fountain Valley School District,Number One Lighthouse Lane, Fountain Valley, CA 92708, 714-842-6651.

Individual Programs That Are Working

Multi-Age Grouping in Early Childhood Education
Contact: Dr. Kenneth Hensel, Project Director
San Diego Unified School District
4100 Normal Street
San Diego 92103
714-287-1421

Target Population: Four years of age, Kindergarten and Grades 1-3

Pre-kindergarten through grade three children were grouped in twnety-seven classrooms situated in sixteen public schools and one private school in such a way as to provide three year age levels in each class. The program stressed individualization of instruction, cross-age teaching, peer tutoring, and the use of para-professionals and parents in the teaching/learning act to achieve objectives of: 1. significaltly greater achievement in mathematics and reading, social growth, attitudes toward school, and positive self-image; 2. greater individualization of instruction. The inclusion of four-year-olds in a regular school program extended the concept of early childhood education to include pre-school children as well as primary grade pupils.

Over a three year period, 105 first grade pupils who were among the original four-year-old group scored three months above the comparison group at the .01 level of significance in reading and seven months above the comparison group at the .01 level of significance in mathematics. Project pupils reflected a more positive attitude than comparison group pupils at the .05 level of significance. Project teachers scored significantly higher (.001) than the comparison group of teachers with single grade classes on a scale that measured classroom climate for individualizing learning. When project pupils were compared to the national norm of 1.8 in grade placement at the end of the first grade for reading and mathematics on the Cooperative Primary test, the project pupils scored 2.2 in reading and 2.4 in mathematics.

Elementary Level Emphasis on Affective Area
through Group Counseling
Contact: Dottie Koerner
Wilson School in Santa Ana Unified School District
1317 N. Baker Street
Santa Ana 92706
714-558-5766

Target Population: All Elementary School Students

A school counselor, with the teacher, conducts group counseling sessions called "magic circle groups" with entire classes regularly. These "discussions-about-feelings" periods allow children in grades 1-3 to express their feelings, realize others have similar feelings, and discover alternate ways of handling their feelings.

At the fourth and fifth grade levels, children who are having socialization difficulties on the playground or in class are referred for periodic group counseling where they receive focused attention and share their feelings. Also in effect is a pilot study in conjunction with another school where fifth graders learn the different roles it is possible to play in group situations — listener, initiator, etc. — and they take turns playing these roles so they will have various behaviors in their repertoire when they need to use them.

In another regular activity, the counselor invites six or so children of very different personalities together to lunch with her so that children of opposite personality types will be exposed to and can interact with behaviors different from their own — the shy personality with the out-going personality, etc.

The counselor also teaches teachers to deal with the affective area of their students without the counselor present at the magic circles.

Feedback from parents and teachers indicates that this program emphasizing children's feelings has had valuable results.

Guidance Objectives and Learner Success (GOALS)
Contact: Mr. Roger McGookin, Project Director
Fountain Valley School District
Number One Lighthouse Lane
Fountain Valley 92708
714-842-6651

Target Population: Grades one through eight

Counselors provide inservice training and consulting services to teachers and parents in the appropriate uses of objectives-based counseling procedures. Counselors work directly with selected students to help them establish goals and develop methods for goal achievement.

The 900 pupils that were selected for participation in the program exhibited high levels of disruptive non-task behaviors and formal contact with the police department, and had low reading achievement levels.

Disruptive behavior has been reduced 44.1%, non-task behavior has been reduced 40.2%, attending behavior has increased 21.6%, students who were under-achieving in reading grew one year, one month, in seven months, and police contact rate was reduced 70%. Program costs range from $17.79 per student for full adoption to less than a dollar per student, depending upon the extent of program adaptation and resource availability.

Equal Opportunity in the Classroom
Contact: Sam Kerman, Project Director
Office of the Los Angeles County
Superintendent of Schools
9300 East Imperial Highway
Downey 90242
213-922-6168

Target Population: Kindegarten, grades 1-12

Extensive research shows that teacher interaction with students perceived as "low achievers" is less supportive and less motivating than those interactions normally extended to students perceived as "high achievers."

The solution was to bring about an awareness of the supportive and motivating interactions normally extended to perceived "highs" and have the teachers extend the same interactions to perceived "lows", thus resulting in accelerated achievement of the perceived "lows,"

Project teachers attended a series of six workshops. Following each workshop, they returned to their classes and interacted in the prescribed supportive and motivating manner with the perceived "lows". Project teachers observed and coded each other to establish that the incidence of the prescribed interactions was occurring equally between the perceived "highs" and the perceived "lows". Analysis of pre-post reading achievement scores of students in various grade levels exceeded the gain of the control group by approximately 27%.

Developing Human Resources for Guidance Purposes
Contact: Dr. H. B. Gelatt, Project Director
Palo Alto Unified School District
25 Churchill Avenue
Palo Alto 94306
415-327-7100

Target Population: Elementary and Secondary School Students, Community and Staff

Students, staff and members of the community were involved and trained to make the educational environment more responsive to student needs. Three resource models were developed to extend existing guidance services. Students were trained as peer counselors; they learned to help other students with normal "growing up", developmental and academic problems. Staff members were provided inservice training in new instructional and human relation techniques. Members of the community were identified as resources to the school; they were involved on a volunteer basis in the classroom and on field trips.

Students grew in interpersonal skills. Staff members improved in interaction and communication techniques. The community and the school built bridges instead of walls.

Project Pride Program
Contact: William K. Jennings, Superintendent
San Bruno Park School District
500 Acacia Avenue
San Bruno 94066
415-589-5900

Target Population: All Elementary Schools in the District

The program is essentially that of preventing vandalism by fostering pride in the school sites. The first step was refurbishing the the school sites so they would be attractive enough for the students to take pride in them. Each school is inspected by a school inspection team consisting of two students, two teachers, one PTA representative, the principal and the custodian. Schools passing inspection are privileged to fly their San Bruno Project Pride flag. Project Pride special award plaques are presented as assemblies to individual students, groups, parents, teachers etc. who perform worthy deeds related to the upkeep of the sites.

Individualized Instruction Through Open Structure
Contact: Mrs. Bobby Blatt and Mrs. Lynette Turman, Project Coordinators, or Dr. Harold Altman, Project Director
Los Angeles Unified School District
450 N. Grand Avenue
Los Angeles 90051
213-935-2682

Target Population: Kindergarten, Grades 1-6

Through open-structure education, the project focused on each individual child and his/her uniqueness as a human being by maximizing the opportunity for student choice and self-direction. The program included vertical or family grouping; flexibility of time, administration, and space; environments rich in manipulative materials, abundant alternatives and choices for students; the teacher's role as a facilitator of learning; teams of volunteer and paid assistants; effective home school communication; extensive record keeping of individual progress; and trust in a student's competence to make important decisions about his/her own education.

At Carthay Center, an urban elementary school with a high transiency rate and a rapidly increasing minority enrollment, the participants who were in the program for three years scored an average of eleven percentile points higher in reading and sixteen percentile points higher in mathematics than those students who transferred into the program. Sixth grade students who had been in the program for three years showed an average growth of eighteen percentile points in reading and nineteen percentile points in mathematics.

Operation Breakthrough Program
Mrs. Estelle Mulhall, Robinwood School
Ocean View Elementary School District
5172 McFadden
Huntingdon Beach 92649
714-892-0012
Target Population: Elementary School Students

Teachers are asked to name three students who are troublemakers in their classes. A master list is then compiled in the office where duplicate names are thrown out. This master list is returned to the teachers and each teacher is asked to pick from the list three students with whom he/she has some positive rapport. With parent's permission, the teachers spend as much of their extra curricular time as possible with their selected three students, i.e. visiting, counseling, taking them to lunch, to a ball game, etc. This approach is especially good for a new school where communication is lacking between staff and students.

VISA — Volunteers Influencing Student Achievement
Contact: Toby Dickinson
Orange County Probation Department
P.O. Box 10260
Santa Ana 92711
714-532-7870
Target Population: Youngsters in grades 1-6 who are having problems in academic achievement or social adjustment.

Two probation officers, functioning as VISA coordinators, recruit, screen, train, and assign volunteers to troubled students. The volunteers provide tutoring and companionship. Teachers, principals, and parents agree that the behavior of the children referred improves because the focused attention the child receives enhances his/her self-respect.

A thorough manual for districts to use in setting up a VISA program is available by writing to Toby Dickinson at the above address.

Group Counseling At Washington High
Contact: Mrs. Amado, Head Counselor

10860 S. Denker Avenue
Los Angeles 90047
213-757-9281

Target Population: High School Students

Group Counseling is offered to students of Washington High on a full-time basis as part of a total guidance system which includes also full-time career counseling and full-time college counseling. Also, other members of the counseling staff hold group sessions. At one stage, there were 24 groups being conducted each week at Washington High.

Parents, teachers, or anyone concerned can refer students to the program, or students can request to participate. The groups, numbering from five to 18 members, rotate their meeting periods and days so that students do not miss too much of any one class.

The program has proven effective in providing troubled students with an avenue for communication.

Yerba Buena Crisis Counseling Project
Contact: Jerry Mullins
Yerba Buena High School
1855 Lucretia Avenue
San Jose 95122
408-279-1500

Target Population: A High School with a high concentration of minority students and families of low income

An interagency team of professionals based at the school supply services to students and their families. The team consists of a social worker, a probation officer, two home-school liaison consultants, a parent and teacher training specialist, a school psychologist, and a psychiatrist from the University of Stanford Medical Center.

Outstanding assets of this coordination effort are that the district pays for only a project supervisor and the regular counseling staff; agencies pay for the others. Bureaucratic red tape is cut, needs of community are more realistically assessed, and accountability for effective help is possible.

National Guard Cadet Unit
Contact: William Williams, Principal
Mann Junior High School
7001 Saint Andrews Place
Los Angeles 90047
213-778-4942

Target Population: All students in grades 7-9, but initiated to capture the interest of students exhibiting negative attitudes toward school

A National Guard Unit has been established and students with negative attitudes toward school are actively recruited to join. The girls participate in a drill team, and both sexes participate in a band. The unit captain is a well-liked teacher in the school. Results seem to be the virtual elimination of violence.

Evening Caller Program
Contact: Dr. Donald Hays, Administrator of
Research & Pupil Services
Fullerton Union High School District
211 West Commonwealth Avenue
Fullerton 92632
714-879-4451

Target Population: Truant High School Students

Each high school hires an adult for approximately three hours at $1.90 to $2.30 per hour. These people make a phone call to the home in the evening, during the dinner hour (4 p.m. to 7 p.m.)about every absence, including period cuts. The district feels this method has greatly increased attendance and has been a tool to keep communication lines open between home and school. The parents appreciate this active concern on the part of the district.

Teen Help
Contact: Bob Murray
18490 Euclid
Fountain Valley 92708
714-557-1000

Target Population: Troubled youth and others ages 14-40

This is a youth service center that provides individual and family counseling, group counseling on a drop-in basis or in a crisis, youth-adult rap groups, health services, drug abuse programs, and employment counseling and placement. Professional staff includes health workers, teachers, lay persons trained as counselors, members of the Welfare Department and Community Mental Health Department. The Center serves approximately 450 people per month.

The Saturday Work-Study Program
Contact: E.M. Castillo
Anaheim Union High School District
501 Crescent Way
P.O. Box 3520
Anaheim 92803
714-956-6880

Target Population: High School Students in danger of suspension

The Saturday Work-Study Program is used in lieu of suspension. If a student is to be suspended, his parents are given the choice of suspension or having the student come to the school and either study in the library or do constructive maintenance work on the campus. The district reports they have generated a total of $42,629 of A.D.A. through the program and paid out in the salaries of both classified and certificated personnel a total of $12,729.

Alternate Routes
Contact: Bruce Sandi
Orange County Probation Department
P.O. Box 10260
Santa Ana 92711
714-963-4501

Target Population: High school students exhibiting delinquent or troubled behavior

Counselors from Orange County Probation Department provide on-the-spot counseling to students and parents in a crisis situation to help divert the delinquent from the formal juvenile justice system.

Follow-up counseling is also done. Then all records are destroyed so that there are no juvenile court records to follow the youth.

Schools, police, or parents can request a counselor at any time for any type of troubled behavior, not necessarily the type serious enough to warrant arrest.

An aspect of the program which makes it highly feasible is its cost savings. During its first 18 months of operation, Alternate Routes served 792 young people at a cost of $454.00 per case less than those referred to the juvenile justice system.

This program is significant in light of the new SARB Truancy Law in California which requires a review board to examine alternatives for a student before he/she is referred to the juvenile justice system. (For more information on the SARB Law see the SARB chapter of this manual.)

Thresholds — Delinquency Prevention and Control Project
Contact: Bob Hudson, Project Director, or Ernie Allen
4801 East 14th Street
Oakland 94612
415-534-0213

Target Population: High School Students exhibiting troubled behavior.

Streetworkers, in conjunction with juvenile justice system personnel, clergy, and certain area residents provide counseling, employment help, and special activities to the would-be delinquent.

The project is funded by the California Council of Criminal Justice and is governed by an advisory committee composed of a cross-section of agency representatives, community residents, businesses, and youth.

SECURITY MEASURES FOR VANDALISM AND VIOLENCE CONTROL

Realizing that the best deterrent to vandalism — making the students feel the school is theirs — takes time to accomplish, the following examples of immediate security measures are provided.

Scan Mobile Alarm System
Contact: M.E. Benedetti, Vice-Principal
Kennedy High School District
6715 Gloria Drive
Sacramento 95831
916-391-1840

For two years the school has been using the scan system. A hand operated transmitter can send out a signal which is at a frequency above human hearing sensitivity. The signal is received by a wall or ceiling mounted receiver which is tuned to the transmitted frequency. The receiver then activates a warning light and an audible horn on the control console panel in the school office isolating the location of the emergency. The individual operating the transmitter can do so with minimum alerting to an aggressor that a call for help has been made.

Intrusion Alarm System
Contact: Pat Bowman
Placentia Unified School District
1301 East Orangethorpe Avenue
Placentia 92670
714-524-4011

The district has an alarm system that is audio-activated from the schools and district office to the Placentia Police Department. These alarm systems are strategically located in different areas of the school building. If activated, the dispatcher can give the exact location of the vandalism and actually listen in on the disturbance. The cost to the district was approximately $175,000.

Vandal Watch Trailer Site Project
Contact: O. Mearl Custer
Elk Grove Unified School District
Elk Grove 95624
916-685-4121

The district provides mobile home sites on each of their school properties in exchange for the tenant's watchful care over the school buildings and property. The site includes utility connections -- water, sewer, gas, electricity, and phone. Families carry on their normal living activities and are not required to be there 24 hours every day. The cost of the sites to the district varies from about $2,500 to $3,500.

School Resource Police Officers
Contact: Dave Siden
Santa Ana Unified School District
1405 French Street
Santa Ana 92701
714-558-5501

To combat school violence, three uniformed school resource police officers are on duty during the school hours. These officers act as counselors to students, but in essence, are policemen. They also have a safety alarm system which is tied in with the Santa Ana Police Department. Each year they have inservice meetings called "Crisis Management".

AGENCY INFORMATION

The following section includes two examples of interagency programs to improve or establish services to youth and a list of the types of agencies one can involve in such an approach. Volunteer bureaus, often under the title Volunteer Action Centers, can be found in each county.

Obviously, neither the examples or lists are comprehensive. *A valuable source of information about agencies is the Roster of Organizations and Departments affiliated with California Council on Children and Youth* which lists most of the organizations operating on a statewide basis. A directory is available by writing to:

California Council on Children and Youth
440 Grand Avenue, Suite 360
Oakland, California 94610

Together for Youth — an Interagency Approach to Youth Work
Contact: Al Jackson
Office of Parks and Recreation
1520 Lakeside Drive
Oakland 94612
415-273-3694

Twice a month representatives from fourteen service agencies get toegther with representatives from fifteen schools in east Oakland to share information and plan together to provide whatever youth services they assess are needed.

A directory is provided for all the members that lists the services of each of the member agencies and the special programs of the schools involved. A true working together is fostered because of agencies personal contact at the meetings, and the availability of specific services member agencies can provide.

To provide information about which agencies could be included in such a plan, the agencies participating in "Together for Youth" are listed here:

1. Alameda County Health Department
2. Alameda County Probation Department, Juvenile Division
3. Alameda County Welfare Department
4. Oakland City Office of Parks and Recreation
5. Arroyo Viejo Recreation Center
6. Brookfield Recreation Center
7. Tassafaronga Neighborhood Center
8. Lockhaven Recreation Center
9. Police Department, Youth Services Division
10. East Oakland Boys' Club
11. Oakland Street Academy
12. California Youth Authority
13. Bay Area Urban League, Inc.

County Level Community Advisory Committee
Contact: Pat Hooper, Coordinator, Guidance Services
Orange County Department of Education
P.O. Box 11846
Santa Ana 92711
714-834-3900

An advisory committee composed of representatives from local district school boards, Orange County Board, school counselors and psychologists, principals, Health Department, PTA, Industry-Education Association and community referral agencies shares information among its members and performs tasks about services to upgrade the total education of county students.

Besides influencing decision-makers to be in favor of programs and expenditures that will benefit students, the committee performs specific tasks to improve and increase beneficial programs. Although this group is a new body of concern and effort, it has had influence and made substantial gains.

Possible Sources of Already Existing Agency Lists

Juvenile Justice Commission
Welfare Information Service
Church Councils
Volunteer Agencies
  (Voluntary Action Centers)

Probation Departments
Police Juvenile Divisions
United Way
American Red Cross

SCHOOL ATTENDANCE REVIEW BOARD

A major step toward keeping juveniles out of the court system is the 1974 California law creating the School Attendance Review Board (SARB). Students who are attendance or behavior problems are to be referred to the Board. The Board will then try to find or develop community and regional resources to help the students resolve their problems so they are able to return to regular classes.

Only as a last resource, if alternative services and programs fail, are students to be referred to the juvenile court. In such cases, where appropriate, the board is authorized to require the school district to file specified criminal complaints against the parent, guardian, or person in charge of the minor.

An attendance review board is mandatory at the county level and can be established at the local school level. County boards include parents and representatives of school districts, county probation department, county welfare department and county superintendent of schools. Local school attendance reveiw boards are established by the county board as needed, and have the same composition as the county boards.

The intent of the new law, as described in the bill, is that "intensive guidance and coordinated community services shall be provided to meet the special needs of pupils" with behavior problems.

The board is to determine what public and private services are available as alternatives, to utilize these to the maximum, and to encourage the development of new services. The law states that " any alternative based on the utilization of community resources carries an inherent agency and citizen commitment directed toward the continuing improvement of such resources and the creation of resources where none exist."

Personnel from the agencies and departments are required to participate, and the agencies and departments are expected to pick up the costs incurred as normal expenses.

A copy of the full act follows.

Senate Bill No. 1742

CHAPTER 1215

An act to amend Sections 6500, 6507, 10751, 12351, 12404, and 12415 of, and to add Article 9 (commencing with Section 12500) to Chapter 6 of Division 9 of, the Education Code, and to amend Section 601 of, and to add Sections 601.1 and 601.2 to, the Welfare and Institutions Code, relating to school attendance.

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1742, Rodda. Minors: school-related problems.

Establishes in each county a county school attendance review board to include, but not be limited to, a parent and representatives of school districts, county probation department, county welfare department and county superintendent of schools. Provides for election of chairman and adoption of rules and regulations. Prescribes related powers and duties, including establishment of local school attendance review boards, providing consultation and coordination thereto, and proposing and promoting alternatives to the juvenile court system which provide for maximum utilization of community and regional resources. Includes designated members of school attendance review boards within the categories of persons to whom access to written records of pupils is permitted without judicial process.

Includes within the type of pupils subject to assignment to opportunity schools, classes, and programs, pupils who are in danger of becoming, as well as pupils who are, habitually truant, irregular in attendance, or insubordinate or disorderly during instruction. Requires referral of any pupil assigned to an opportunity school, class, or program who is a habitual truant from or irregular in attendance at, or insubordinate or disorderly during attendance at, an opportunity school, class, or program to a school attendance review board, rather than requesting a petition in the juvenile court. Requires school attendance review board, if it determines that the available community services cannot resolve such pupil's problem, to direct the county superintendent of schools to, and requires county superintendent of schools thereupon to, request a petition in the juvenile court.

Authorizes referral of any pupil who is a habitual truant, irregular in attendance upon compulsory full-time education or compulsory continuation education, or habitually insubordinate or disorderly during school attendance to a school attendance review board, rather than authorizing requesting a petition in the juvenile court. Prescribes required notice and meeting. Requires such board, if it determines that available community services cannot resolve such pupil's problem or that the pupil fails to respond, to direct the county superintendent of schools to, and requires county superintendent of schools thereupon to, request a petition in the juvenile court.

Includes number and type of related referrals to school attendance review boards and petitions to juvenile court within related required reports to Superintendent of Public Instruction.

Revises juvenile court law to: require that any person under 18 who persistently or habitually refuses to obey school authorities or who is a habitual truant, be first referred to a school attendance review board; provide that if such board determines that the available public and private services are insufficient or inappropriate to correct such minor's problems or that the minor fails to respond, such minor is then within the jurisdiction of the juvenile court; require such board, if parent, guardian, or person in charge of such minor fails to respond to its directives or the services offered, to refer such minor to juvenile court and, in such case, to authorize such board to require the school district to file specified criminal complaints against such parent, guardian, or person in charge of the minor.

Provides that the duties, obligations, or responsibilities imposed on local governmental entities are such that related costs are incurred as part of their normal operating procedures. Requires minor costs of such services to be borne by each agency or department and authorizes each or all participants to apply for and utilize state or federal funds as may be available.

Prohibits any reimbursement pursuant to subdivision (f) of Section 2231, Revenue and Taxation Code and any appropriation by this act because duties, obligations, or responsibilities imposed by this act on local governmental entities are minor in nature and will not cause any financial burden to local government.

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 12500) is added to Chapter 6 of Division 9 of the Education Code, to read:

Article 9. School Attendance Review Boards

12500. (a) In enacting this article it is the intent of the Legislature that intensive guidance and coordinated community services shall be provided to meet the special needs of pupils with school attendance problems or school behavior problems.

(b) Any school attendance review board, established pursuant to this article, which determines that available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems of minors shall:

(1) Propose and promote the use of alternatives to the juvenile court system.

(2) Provide, in any proposed alternative, for maximum utilization of community and regional resources appropriately employed in behalf of minors prior to any involvement with the judicial system.

(3) Encourage an understanding that any alternative based on the utilization of community resources carries an inherent agency and citizen commitment directed toward the continuing improvement of such resources and the creation of resources where none exist.

12501. (a) There is in each county a county school attendance review board. The county school attendance review board shall include, but need not be limited to, a parent and representatives of (1) school districts, (2) the county probation department, (3) the county welfare department, and (4) the county superintendent of schools. The school district representatives on the county school attendance review board shall be nominated by the governing boards of school districts and shall be appointed by the county superintendent of schools. All other persons and group representatives shall be appointed by the county board of education.

(b) Local school attendance review boards may include, but need not be limited to, a parent and representatives of (1) school districts, (2) the county probation department, (3) the county welfare department, and (4) the county superintendent of schools. Other persons or group representatives shall be appointed by the county board of education.

(c) The county school attendance review board shall elect pursuant to regulations adopted pursuant to Section 12504, one member as chairman with responsibility for coordinating services of the county school attendance review board.

(d) The county school attendance review board shall provide for the establishment of local school attendance review boards in such number as shall be necessary to carry out the intent of this article.

(e) The county school attendance review board shall provide consultant services to, and coordinate activities of, local school attendance review boards in meeting the special needs of pupils with school attendance or school behavior problems.

(f) When the county school attendance review board determines that the needs of pupils as defined in this article can best be served by a single board, the county school attendance review board shall then serve as the school attendance review board for all pupils in the county, or, upon the request of any school district in the county, the county school attendance review board may serve as the school attendance review board for pupils of that district.

(g) Nothing in this article is intended to prohibit any agreement on the part of counties to provide such services on a regional basis.

12502. The county school attendance review board shall encourage local school attendance review boards to maintain a continuing inventory of community resources, including alternative educational programs, and to make recommendations for the improvement of such resources and programs or for the creation of new resources and programs where none exist.

12503. Each of the departments or agencies required to participate in school attendance review boards shall assign personnel to represent the department or agency on a continuing basis in accordance with the intent of this article. The duties, obligations, or responsibilities imposed on local governmental entities by this act are such that the related costs are incurred as a part of their normal operating procedures. The minor costs of such services shall be borne by each agency or department and each or all of the participants may apply for and utilize state or federal funds as may be available.

12504. The county school attendance review board shall adopt such rules and regulations not inconsistent with law, as are necessary for its own government and to enable it to carry out the provisions of this article. The rules and regulations shall be binding upon the local school attendance review boards which are established pursuant to subdivision (d) of Section 12501.

SEC. 2. Section 6500 of the Education Code is amended to read:

6500. In enacting this article, it is the intent of the Legislature to provide an opportunity for pupils who are, or are in danger of becoming, habitually truant from instruction upon which they are lawfully required to attend, or who are, or are in danger of becoming, irregular in attendance, or who are, or are in danger of becoming, insubordinate or disorderly during their attendance upon instruction to resolve their problems so that they may maintain themselves in regular classes or reestablish themselves for return to regular classes or regular schools as soon as practicable.

SEC. 3. Section 6507 of the Education Code is amended to read:

6507. If any pupil assigned to an established opportunity school, class, or program is a habitual truant, or is irregular in attendance at such opportunity school, class, or program, or is insubordinate or disorderly during attendance at such opportunity school, class, or program, the supervisor of attendance or such other persons as the governing board of the school district or county may designate shall refer the pupil to a school attendance review board in the county. If the school attendance review board determines that available community services cannot resolve the problem of the truant or insubordinate pupil, it shall direct the county superintendent of schools to, and, thereupon, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. If the court upon hearing the case finds that the allegations are sustained by the evidence, the court, in addition to any other judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of the child shall deliver him at the beginning of each schoolday, for the remainder of the school term, to the opportunity school, class, or program designated by school authorities.

SEC. 4. Section 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school providing instruction in any of grades kindergarten through 12 shall permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

(f) An officer or employee of a county agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

(g) An officer or employee of any adoption agency licensed by the Department of Social Welfare, as to a minor placed with or under the supervision of that agency, or another minor from the same family as such minor, or as to children in families for which an investigation by the agency is required under Section 226.6 of the Civil Code.

(h) A designated member of a school attendance review board as to a pupil referred to that board.

The restrictions imposed by this section are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff.

Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien. Notwithstanding the restrictions imposed by this section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials.

SEC. 5. Section 12351 of the Education Code is amended to read:

12351. The board of education of any school district and of any county shall appoint a supervisor of attendance and such assistant supervisors of attendance as may be necessary to supervise the attendance of pupils in the district or county. The board shall prescribe the duties of the supervisor and assistant supervisors of attendance, not inconsistent with law, to include, among other duties that may be required by the board, those specific duties related to compulsory full-time education, truancy, work permits, compulsory continuation education, and opportunity schools, classes, and programs, now required of such attendance supervisors by this chapter and Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 and Article 5 (commencing with Section 12751) of Chapter 7 of this division.

SEC. 6. Section 12404 of the Education Code is amended to read:

12404. If any pupil in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board. The supervisor of attendance, or such other persons as the governing board of the school district or county may designate, making such referral shall notify the minor and parents or guardians of the minor, in writing, of the name and address of the board to which the matter has been referred and of the reason for such referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be invited, along with the referring person, to meet with the school attendance review board to consider a proper disposition of the referral.

If the school attendance review board determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil fails to respond to directives of the school attendance review board or to services provided, the school attendance review board shall direct the county superintendent of schools to, and, thereupon, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county.

SEC. 7. Section 12415 of the Education Code is amended to read:

12415. The county superintendent of schools in each county shall annually report to the Superintendent of Public Instruction the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court pursuant to Section 12404 and shall certify to the Superintendent of Public Instruction whether or not each school district within the county has complied with provisions of this chapter. Reports shall be submitted on forms prepared by the Superintendent of Public Instruction.

SEC. 8. Section 601 of the Welfare and Institutions Code is amended to read:

601. Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or custodian, or who is beyond the control of such person, or who from any cause is in danger of leading an idle, dissolute, lewd, or immoral life, is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

SEC. 9. Section 601.1 is added to the Welfare and Institutions Code, to read:

601.1. (a) Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of school authorities, and is thus beyond the control of such authorities, or who is a habitual truant from school within the meaning of any law of this state, shall, prior to any referral to the juvenile court of the county, be referred to a school attendance review board pursuant to Section 12404 of the Education Code.

(b) If the school attendance review board determines that the available public and private services are insufficient or inappropriate to correct the insubordination or habitual truancy of the minor, or if the minor fails to respond to directives of the school attendance review board or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

SEC. 10. Section 601.2 is added to the Welfare and Institutions Code, to read:

601.2. In the event that a parent or guardian or person in charge of a minor described in Section 601.1 fails to respond to directives of the school attendance review board or to services offered on behalf of the minor, the school attendance review board shall direct that the minor be referred to the probation department or to the county welfare department under Section 600, and the school attendance review board may require the school district to file a complaint against the parent, guardian, or other person in charge of such minor as provided in Section 12452 or Section 12756 of the Education Code.

SEC. 11. Notwithstanding subdivision (f) of Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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Agood word for folks who Make Bad Grades

I would like to say a good word for folks who don't make good grades.

And since you asked, what I dont like about school is the way teachers treat you like your dumb or crazy. A lot of great peple was tho't to be dumb or crazy. In fact you almost have to be crazy to ever do something great.

I would rather be great than make a lot of good grades.

P.S. Thank you for letting me say a good word for folks like me who are relly ok.

P.C.

What I Want Most of all is a Knew pair of gym shorts. My old ones have a ript place in a very obvius extremity. Ever one makes fun of me in gym class cause of that.

SISSY

I WOULD LIKE TO KNOW WHO GOD IS. TO SEE IF HE REALLY IS ALIVE AND IF HE KNOWS MY NAME AND WHY I CRY ALOT. AND WHY MY DADDY LEFT MOM AND US AND IF GOD BLAMES DADDY. I WOULD LIKE TO SIT DOWN.BESIDE HIM AND BE CLOSE FRIENDS. I WOULD PROBLY CRY. I KNOW I WOULD. MAYBE HE WOULDN'T MIND THOUGH. PROBLY NOT.

MARSHA

What I dont Like About School

Teachers all pick on me ALL the time. One of them always called me flunkie cause I got so many F s. One day I got so mad when I got F on this tests that I worked hard on that me and some other guys went into the mens toilits.

And thru a lited cherry bomb down into a commode and flushed it. It almost blew that toilit clean into arbit. It realy vlew hard! It realy did! I got kicked out 3 days for that Its no use. Also that commode still dont work ok. It runs all the time,

me the flunkie
Jason

P.S. Its just no use
Jason

What I dont Like About School

I always hated most the first day of school. When I was a kid, every time on the first day of school the teachur would always look thru our hair in search of lice. The teachur always looked longer in my hair. Than anyone elses. I remember once I had this big ugly hairy looking teachur fangering thru' my hair and all and I kept hoping that a great big gint louse would jump up and bit the hell out of her. It would of served her right.

The usual recommendations for conflict resolution and violence prevention do not appear to get to the heart of the primary causes of the violence. Organizational responses to the issue of crime and violence seem to represent adult organizational philosophy rather than a critical search for basic causes and solutions.

WHAT I DONT LIKE ABOUT SCHOOL

IF i thank about it I get all upset. SO I better pass on this one today.
Thanks. No hard feelens.

what i donlike school - NO A
what i dont like school is that i come evey day thanking I
will get a A. But I never get a A. Just wonst I want to
get a A. Ever sins I remember I go to school a thousand day
a year or more I get no A. NO A

JUST WONST I WANT AN A
ONE BIG FAT A

All I git is a big funch of F
A hundred F. A thowsand F
A lowsy bunch of F

Security in the Schools

United Federation of Teachers

Foreword

Any development which produces significant change in American society will make a proportionate change in America's public schools. Mass marketing of the internal combustion engine, for example, altered not merely our patterns of residence, vacation and courtship. It also led to the consolidation of schools and school districts, and to the introduction of school-busing.

Similarly, as alienation, drugs, violence and crime have diseased our society, they have also infected our schools. Like other metropolitan areas, New York City has been especially hard hit. During the 1972-73 school year, the Board of Education received 496 reports of assaults on teachers. In all likelihood many attacks went unreported, as local school authorities sought to conceal the inadequacy of security provisions. A better idea of the problem's magnitude may come from Police Department figures, which show that officers were called to schools on 5,530 separate occasions during the first seven months of 1973.

The United Federation of Teachers has been at the center of efforts to make our schools safer, both for teachers and for students. At the collective bargaining table, the union has negotiated for improved security procedures, additional security personnel, and the installation of modern security systems. Through the School Stability Team, the UFT participates full-time in developing safety policy and in solving the safety problems of individual schools.

Despite its concerns and its achievements, the UFT recognizes that much remains to be done. Until safety procedures are improved still further—and until the problems ravaging our society are ultimately resolved—violence and crime will continue to attack our schools. Individual students, teachers, secretaries, para-professionals and other school employees will continue to meet situations fraught with danger; and they will continue to be the victims of assault and robbery.

This booklet is meant to educate teachers and other school employees in the dimensions of the problem and in means of handling it. The first section is a set of practical suggestions for dealing with specific dangers. The second discusses more general security concerns. The last section is an appendix which reprints relevant security provisions in the UFT contract, pertinent Board circulars, and an excerpt from state law.

It is the union's fervent hope that the epidemic of violence which has afflicted our schools is now ebbing. There is some reason to believe that it is. Until crime and violence disappear from our schools, however, the UFT urges teachers and other school employees to take every precaution to guard their safety, and to study the recommendations in this booklet with special care.

Albert Shanker
Albert Shanker
President

Edward Muir
Edward Muir
UFT Representative and Chairman, School Stability Team

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Individual Precautions

Protecting oneself in a school building is a matter of many closely related precautions. Sadly, most teachers and other school employees ignore most of these precautions most of the time. Teachers properly concentrate on their primary function–educating children. The need to protect themselves is, at best, a peripheral concern.

But teachers will perform their primary function less well than they could if they work in fear. The best way of countering fear is to be cognizant of the dangers which do exist, and to take the precautions which can be taken to minimize their realization.

The specific recommendations which follow are drawn from several years' study–by UFT representatives, Police Department officials, and Board authorities–of the safety problems teachers face daily, and of unfortunate experiences suffered by individual teachers.

The Morning

Teachers are victimized not only at school; like other New Yorkers, they are also assaulted on their way to work. For those who use public transportation, a simple rule should minimize dangers: arrange to meet someone who uses the same bus or train and, ideally, who is travelling to the same–or a nearby–destination.

Don't be an early bird. Most teachers are highly conscientious; they have many things they would like to do in their classrooms before their students arrive. But school buildings are simply not safe when they are empty, or nearly empty; and teachers are more vulnerable when alone, or nearly alone, than at any other time.

Many of the most vicious attacks on teachers have occurred during the hour before school opened. Some felons are early risers; others have not yet retired for "the night" by the time school opens. Accordingly, the UFT recommends that teachers arrive at their schools *no more than 30 minutes* before classes begin.

While the youngsters are entering school, teachers should be especially alert for strangers. The ebullience of younger children makes this a particularly chaotic time in the elementary and middle schools. Intruders posing as parents or school personnel find it very easy to slip into school buildings with the children. Generally a teacher can safely challenge a stranger if there are other people around. If there aren't, or if the teacher is in any way apprehensive, he should notify school security personnel or the administration as quickly as possible.

In the Classroom: Students

Classroom attacks—by students on teachers—are more *likely* in the elementary and middle schools than in the high schools, though they are usually more *serious* in the upper grades than in the lower.

Elementary school youngsters who assault teachers are especially prone to kicking and biting. But teachers should also be wary of flyng objects: light, movable furniture is a recent favorite of younger children who are prone to throwing things at their teachers.

With most elementary school students, teachers can *see* that an outburst is coming. And with most of them, physical restraint is the best response. If a teacher anticipates that an attack is coming, he should get as close to the child as possible; spin the youngster around; and embrace him in a bear-hug that pins his arms to his body. The child should then be removed from the classroom—and quickly. An audience will only encourage further struggle.

With older–and bigger–students, more caution is needed. If the assailant is larger or stronger than the teacher, discretion is the better part of valor. A teacher should go for help whenever he is threatened with an assault; if he is trapped, the teacher should yell or scream for assistance.

In the Classroom: Intruders

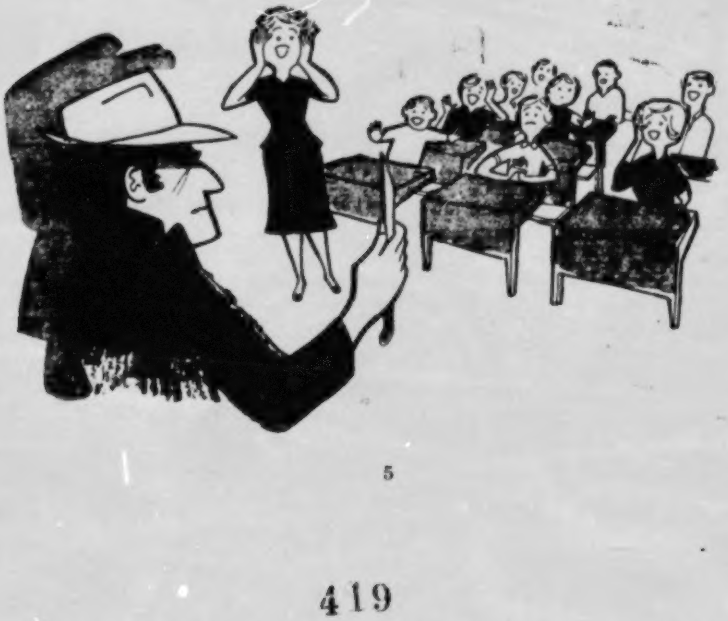
Classroom intruders pose more serious problems. Most intruders fall into one of three categories: (1) armed robbers, (2) older kids, or (3) irate parents.

A teacher's best response varies with each category of intruder; but some elements of that response are common to all three. The teacher is a sitting duck if he is seated at his desk; though there is a natural tendency to freeze at the approach of a menacing intruder, teachers should force themselves to get up from behind their desks–and thus to escape or minimize injury.

With all three categories, teachers should also maintain enough presence of mind to *memorize a full description*–facial features, height, approximate weight or body structure, and clothing and shoes.

And teachers should remember that they have a natural right to defend themselves against an assault. Those who have the ability, inclination and opportunity to defend themselves may both avoid serious injury, and also deter future assailants.

Given those common elements, teachers should be specially aware of differences in the recommended response to each category of intruder.

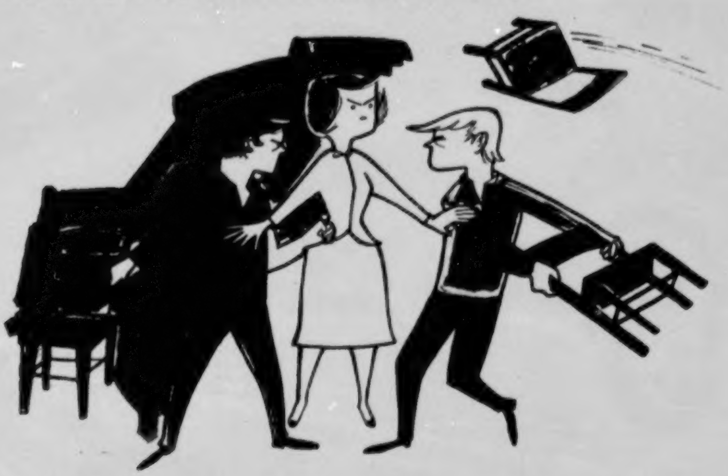


Don't resist the armed robber. Talk slowly; talk softly; and avoid quick movements. Many robbers are prone to gratuitous assaults, particularly against teachers. Go down with the first blow and *stay down.*

Older kids who break into classrooms are usually interested in abusing and harassing teachers. Often they commit a minor sexual assault aimed principally at humiliating a teacher. The best advice is: *get out fast and call for help.* When a teacher can't get out, he should tell one or more trustworthy students near the rear door of the classroom to run for help.

Teachers should attempt to *calm irate parents* before they do something that they themselves will regret. A quiet, friendly and reasoned discussion is the best approach. Most attacks by parents are one-shot matters, usually a slap; but they *can* be more serious, and teachers are advised to take the precautions suggested above.

Cafeterias and Auditoriums



Because they pack large numbers of people tightly together, cafeterias and auditoriums can be especially dangerous places.

When disturbances threaten, teachers should be wary of intervening. Their initial response should be to summon help—the largest number of adults possible. The wait for assistance may be frustrating; but it is preferable to being trapped in a lunchroom filled with flying chairs—and unable to do anything effective to end the melee.

Should it be *necessary* to take immediate action—and if it is *possible* to prevent a disturbance—a teacher's objective should be to remove troublemakers from large-group areas as quickly and as quietly as possible.

But when a disturbance has erupted, a teacher should *never* jump in without first arranging for assistance. Those students who are responsible for the trouble may always be reported or reprimanded later. During the course of a disturbance, an individual teacher is more likely to be a victim than a peace-maker.

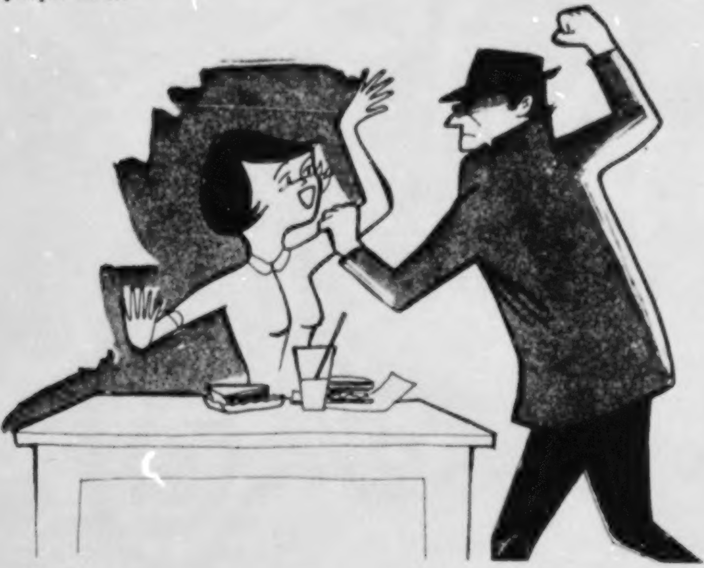
Lunch and Preparation Periods

There is one cardinal rule for teacher-safety, and it is especially important during lunch and preparation periods: *never be alone, for any extended period of time, anywhere in a school.*

Many teachers prefer to spend their lunch and preparation periods in their classrooms, alone. It's restful and it's quiet.

It's also dangerous: highly dangerous. Teachers may feel safe because they lock their classroom doors. But locks can be picked fairly easily. More than that, experience and assault records show that when someone knocks, teachers open their doors.

Peace and quiet must, unfortunately, be sacrificed to safety. Teachers should not be alone even in a faculty lounge. If no one else is present, a teacher should leave immediately—for a room with other people in it.



This is especially true for female teachers. Most rapes and other sex crimes occur in classrooms, faculty rooms and workrooms—when the teacher is alone. *The surest means of preventing sexual attacks is never to be alone.*

The teacher who *is* confronted by a sexual assailant should take account of Police Department recommendations. If a rapist is armed, the police urge that his victim offer no resistance, lest she be maimed or fatally injured. If he is *not* armed, a woman should remember that her knee or almost any instrument can become a weapon: a Bic pen will open a beer can—or a kidney or an eye.

Halls and Corridors

In middle and high schools, many assaults occur in hallways, as teachers attempt to stop students whom they do not know. Especially in the high schools, with their enormous enrollments, students have a cloak of anonymity. Hallway attacks usually happen when a teacher asks to see a student's pass or other identification.

When there has been a series of unresolved hallway assaults, teachers often stop questioning students and a school's general security picture deteriorates.

It *is* important that students be challenged in halls; and if done with some tact, the challenge need not become an altercation. One suggestion is that teachers greet students amiably—a simple "hi" or "hello" may relieve the tension—before asking for their identification. Similarly, "Where are you going?" is less threatening than "Where are you supposed to be now?" Reminding the student that he is hurting himself—by cutting class and by wandering the halls alone—is also less likely to arouse hostility than quoting chapter-and-verse from school regulations.

These techniques will not work with every student; but they will work with some, and will prevent at least *some* assaults. If not, teachers should remember that help is almost always just a few feet away—in the nearest classroom or office.

The second most frequent cause of hallway assaults on teachers is intervention between two or more brawling students. If the combatants are bigger and stronger than the teacher, he should never act without seeking help first. Except with the smallest youngsters, a teacher should *never step in between two fighting students.* If verbal commands do not end the fight, the surest method once again is the bear-hug from the rear.

Intruders also attack teachers in hallways. Unfortunately, it is still possible for strangers to wander around schools without being challenged. This is particularly true where the intruder is well dressed:

and both rapists and armed robbers have been known to wear ties and jackets.

It is therefore important for teachers to question all strangers they encounter in a school's corridors. "Can I help you?" is the best approach. If the person does not have a pass, or the teacher has any reason to suspect his motives, the teacher should act calmly—but go immediately for help, preferably to the nearest room with an intercom phone. Under no circumstances should any teacher try to be a hero. But failure to take any action—by ignoring a stranger—may place every school employee and every student in serious danger.

Dismissal

All the warnings that apply to the early morning also apply to dismissal time. Most teachers are required to escort children to an exit. Many return to their classrooms, and some like to stay there—

or go to faculty rooms or workrooms—to correct papers or prepare lessons.

The UFT strongly recommends that teachers *not* return to their classrooms—or stay in their school buildings—after classes have been dismissed. Teachers should take everything they need with them, when they escort their students to an exit. They should punch out as soon as the youngsters are gone, and should make certain to leave the building with other school employees. Too many assaults are committed just outside school doors at dismissal time. Following the herd instinct is a useful precaution.

Keeping Kids Safe

Most assaults on students are committed by other students—and outside the presence of teachers. There is little teachers can do about this kind of attack, other than helping to improve their school's general atmosphere and overall safety pattern. But there are some specifics.

Children should *not* be sent out of a classroom alone. Even when they leave in pairs, teachers should give them a time limit—and get help if they don't return on time.

Youngsters should not be used to run errands for teachers. The fewer kids in the hallways the better.

Students should be encouraged to report assaults and robberies—either to their own teachers or to the administration. ("Give me a dime or I'll stomp on you" is a robbery.) Most kids hesitate to report incidents because they fear reprisals. They must be assured that teachers and schools will follow up, and that action will be taken to prevent future incidents. If the school's administration fails to act, teachers should report its refusal to their UFT chapter chairman.

Middle and high school students can organize safety committees and become involved in many security related programs. They might identify unsafe areas inside a school building and on school grounds; they might also expose crime and safety problems in the school's student newspaper. Peer group dynamics can be used to turn the tables on trouble-makers. Kids who are victims often feel isolated and alone; the teacher's objective should be to expose, isolate and reform a school's trouble-makers.

Teachers can make a further and essential contribution to schools safety by documenting the misbehavior of those students who are dangerous to other youngsters. Suspensions and referrals to clinical and other alternative agencies cannot be made without documentation. Keeping records is frequently onerous; but it is fully worthwhile if the result is that a possible victim is spared serious physical or psychological damage.

What to Do If Assaulted

A teacher who is the victim of an assault should:

1. Notify his principal. The principal, in turn, should contact the Office of the Counsel at the Board of Education.
2. Determine if he (the teacher) wants the police called.
3. Inform his UFT chapter chairman so that a UFT assault form can be completed. Though all information on these forms remains confidential, the data is very important to the UFT Safety Commit-

CRIMINAL DESCRIPTION SHEET

PHYSICAL DESCRIPTION

HEIGHT ____

WEIGHT ____

NATIONALITY (IF KNOWN) ____

COMPLEXION ____

EYES-COLOR-EYEGLASSES (ALERT-NORMAL-DROOPY) ____

____

VISIBLE SCARS MARKS TATOOS ____

____

AGE ____

METHOD OF ESCAPE

DIRECTION ____

LICENSE ____

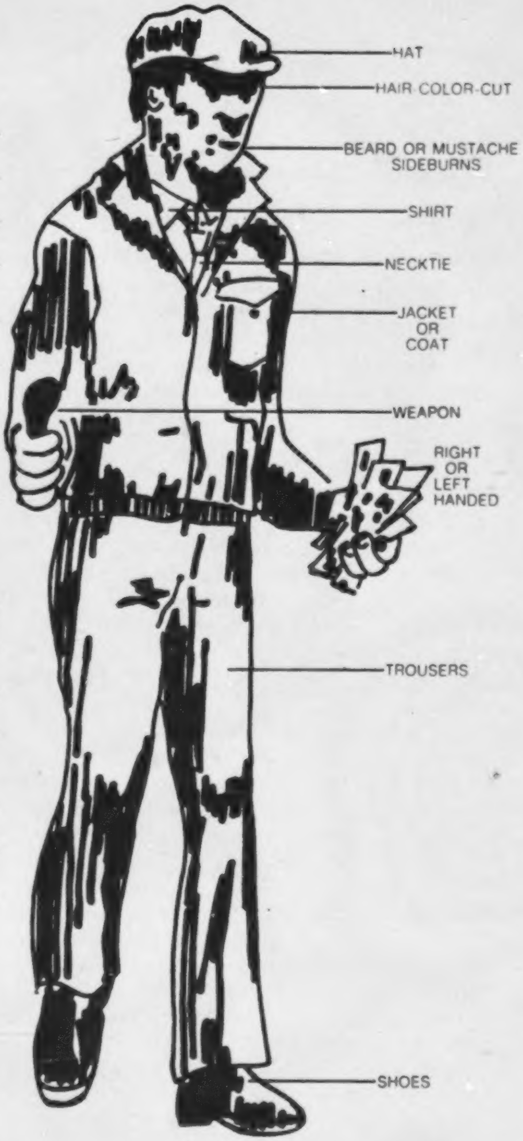
VEHICLE DESCRIPTION ____

____

REMARKS ____

____

____


HAT
HAIR COLOR-CUT
BEARD OR MUSTACHE SIDEBURNS
SHIRT
NECKTIE
JACKET OR COAT
WEAPON
RIGHT OR LEFT HANDED
TROUSERS
SHOES

tee in developing informal recommendations and formal bargaining demands for improved school security.

4. Ask to be relieved of duty–and see a doctor–if there is *any* hint or symptom of an injury. Because of shock, victims are sometimes not aware how serious their injuries are; this precaution should be taken whenever there is *any* injury at all.

5. Stay home for as long as needed for *full* recovery. Injury in the line-of-duty does *not* result in a loss of pay or a loss of days from the teacher's absence reserve.

You and the Law

Teachers may, in addition, wish to press charges.

When a teacher is the victim of an assault or other crime in a school building or on school grounds, the teacher himself – not the school and not the principal – must press charges with the police. There are several points to remember.

1. Under New York State law a juvenile – anyone under the age of 16 – can commit only one crime. That crime is homicide. All other "criminal acts" of this age group are classified as juvenile delinquency.

For these youthful offenders the court of jurisdiction is the family court. The objectives and philosophy of this court differ sharply from those of a criminal court. Its objectives are corrective rather than punitive; its philosophy is that, with the proper guidance, youthful offenders will not become adult criminals.

2. Even the form of apprehension may differ. Adult suspects are *arrested*. The New York State penal code separates their crimes into three categories: felonies, misdemeanors and violations. These categories are further divided into classes: a homicide, for example, is a class A felony.

If a juvenile's offense is *not* a felony, he may not be "arrested" at all. With violations and minor misdeameanors, the Police Department's Youth Aid Division may choose to apprehend a juvenile offender under a referral process commonly known as a "YD." The process was designed to avoid court proceedings and criminal records. It involves visits to the juvenile's home and assistance from one or more social agencies.

3. The schools term any attack by one person on another an "assault." Legally, however assaults are misdemeanors or felonies only when they produce physical injury or are committed with the use or threat of a deadly weapon.

Many "assaults" on teachers and other school employees involve nothing more than a kick, a shove or a punch. It causes pain but no injury. Legally such attacks are classified as "harassment;" and harassment is neither a felony nor a misdemeanor, but a violation.

The immediate decision as to whether an attack is harassment, a violation, or an assault, and possibly a misdemeanor, is the responsibility of a police officer.

The standard police response to violations committed by juveniles below the age of 16 is the "YD." Teachers who feel that an attack on them was indeed an assault – rather than harassment – have the right to go to the family court and ask that a petition be drafted.

The family court's procedure is in two steps. The first is the "intake" process. A teacher, for example, may ask the intake clerk to draft a petition summoning his assailant to court. It is, however, part of the intake clerk's responsibility to discourage petitions in many types of cases, and to seek informal solutions instead.

A teacher may, on reflection, agree with the intake clerk's offer. But the teacher has every right to *insist* that a petition be drafted. If he does, the petition *must* be issued.

The second step in the family court's procedure is the hearing itself. Because recent decisions of higher courts have changed family court hearings into adversary proceedings rather than quasi-guidance sessions, it is especially important that any teacher who appears in family court be accompanied by legal counsel.

Under Article IV.F.8 of the basic UFT contract, the Board of Education must either provide a teacher with an attorney for that hearing, or pay him up to $40 to retain his own counsel. (The reimbursement is limited to "only one appearance" in family court in any one school year.)

At present, Board lawyers regularly spend one day each week in the family court of each borough (except Staten Island). Their schedule is:

Tuesday	Queens
Wednesday	Manhattan
Thursday	Brooklyn
Friday	The Bronx

Mondays are open days. Board attorneys are available in any court for emergency cases that cannot be adjusted to their normal schedule.

When asking for a petition to be drafted, teachers should request that the hearing be scheduled on the day Board lawyers will be in their borough's family court. If it is set for some other day, they should then ask for a postponement to such a day.

In any event, teachers scheduled to appear in family court should notify the Board's Office of the Counsel (596-4894) as far in advance of the court date as possible, and make certain that an attorney will be present.

4. If a teacher has been the victim of a crime committed by someone over the age of 16, the court of jurisdiction is the criminal court. In these proceedings a victim is represented by the district attorney of his borough. (Excerpts from the New York State penal code appear in Section III, the appendices.)

General Procedures

This section addresses the more technical aspects of school safety. It discusses (1) provisions for school security in the UFT contract and (2) safety circulars issued by the Chancellor. Also included are safety procedures recommended by the union, and a listing of services that are available.

Individual teachers are urged to familiarize themselves with these general elements of good security and–through their UFT chapter–to urge compliance with them by the administrators of their schools.

Procedures for Exit Security

The most important security function in any school is keeping intruders out of school buildings, since the most serious crimes are committed by outsiders. The following is a list of UFT-recommended exit security measures designed to discourage intruders.

- All but the main entrance doors should be *locked all the time.* This includes service and delivery entrances.
- Exterior handles should be removed from all but the main entrance doors.
- Face-plates should overlap door-locks to prevent would-be intruders from prying them open.
- Doors should be inspected every 30 minutes to prevent lock-stuffing and other tampering.
- Signs should be affixed above the exterior of all exits directing visitors and tardy students to the main entrance.
- Signs should be posted within a school building to instruct visitors to leave by the main entrance.

Procedures for Visitor Control

Unbelievable though it may seem, numerous very serious assaults have been committed by criminals who gained entry to schools the easy way. They simply signed the visitors' book at the front desk.

Improved visitor screening and control is needed in *most* schools. The UFT recommends that the following procedures be implemented.

- All visitors should be asked to show identification.
- Badges or large numbered passes should be issued to all legitimate visitors.
- Where visitors are not required to report to the main office first, they should be announced to the office by an intercom phone.
- People visiting classrooms–or any office other than the main

office—should be escorted to their destinations.

- A conference area should be established near the main office, in which visitors can meet teachers and other school employees.
- Small signs should be posted on the windows of classroom doors, instructing visitors to show their passes to the teacher inside. Teachers should not open their doors if a visitor cannot produce a pass.

Communications

Of the many frustrations encountered by teachers in the New York City schools, one of the most vexing is the lack of proper communications systems. This booklet has recommended in several places, that teachers use an intercom phone to call for assistance. Many teachers would respond that their schools have few or no intercoms; or that they don't know which rooms have them and which don't; or even that the rooms which do have phones are often locked.

All teachers *should* have access to an intercom. Where an electronic system has been installed, but is not comprehensive, the school should make access to a phone as easy as possible for every teacher. Each room that does have a phone should have some distinctive marking – a brightly colored decal, perhaps triangular in shape. Teachers themselves should become thoroughly familiar with the locations of these rooms.

The school should reserve one number for emergency use. Calls to this number should be limited to brief messages, like "Intruder, third floor west." The school's security plan should be geared to such emergencies; and its public address system should be used to alert teachers without alarming students.

Safety Equipment in Use

Several devices that are available—some of them already in use in our schools—have a significant impact on security problems.

That which has aroused the keenest interest is the *personal alarm system*. There are two varieties. One employs a small radio transmitter the size of a cigarette package. The other uses an ultrasonic transmitter the size of a fountain pen. Receivers are installed on classroom walls and in hallways. When a transmitter is activated, the nearest receiver picks up its signal and relays it to the main office. A display panel pinpoints the signal's origin – and help should be dispatched to that spot immediately.

Another important security development is the use of magnetic locks in tandem with a door alarm system. The locks are almost tamperproof; but should they be opened, the alarm system both notifies the office and provides two-way communication with every exit in the building. A few of the schools that have adopted this system have added a television-monitoring device for still more surveillance and protection.

Good as these devices are, they remain uncommon in our schools. Paging systems and walkie-talkies are more in use. The paging system, or "beeper," provides one-way communication, usually from the office to school security personnel. Walkie-talkies, of course, are two-way devices, and even more useful in maintaining school safety.

School Design

Too many schools are hazardous for entirely unnecessary reasons. They have presented safety problems from their very first days, simply because the people responsible for designing schools often have no understanding of children. Nor do they consider the need for security in planning new schools.

Examples abound. Some schools have circular corridors; they are both modern and attractive–and may win architects much praise; but since no one can see more than a few feet in either direction, circular corridors are highly dangerous. One sprawling new high school was given 47 (forty-seven!) exits. Suspended tile ceilings, designed to reduce noise, are routinely poked and punched out–and made into lethal missiles.

Award-winning school designs have included low or sloping roofs –which have won rewards for second-storey burglars. And many new plants separate their classroom wings from buildings that hold their cafeterias, auditoriums and gymnasiums – causing problems when either too few or too many people are in any one area.

Long-range security needs require that teachers have a voice in school design. To gain this voice, teachers will have to attend community school board meetings when new school construction is being discussed.

Services Available

Whenever a school has suffered a rash of crime or violence, it should draw upon one or more of the outside resources that are available to help. These include the following.

- The anti-crime unit of the local police precinct. (Both the UFT chapter chairman and the school's main office should have the precinct's emergency number handy.)

- The UFT Safety Committee (telephone: 777-7500).
- The School Stability Team (telephone: 596-8997).
- The Board of Education's Office of School Safety (telephone: 596-5223 or 596-5224). The Office's coordinators and mobile squads can be especially helpful in solving school security problems.

The School Stability Team

This special, two-man operation consists of a representative of the United Federation of Teachers, who also represents the Chancellor's office, and the Police Department officer who provides liaison to the Board of Education.

The team reports directly to the Chancellor. Its members respond to calls for assistance from community superintendents and UFT district representatives. They also investigate school safety problems and complaints, and supervise the Police-School Liaison Program.

The Office of School Safety

Established in 1972, the Office of School Safety is headed by Eldridge Waith, formerly an assistant chief inspector in the New York City Police Department.

The Office's 26 coordinators supervise over 900 student service officers in the city's high schools. They also maintain liaison with community school districts, which have now employed over 500 school guards and about 200 safety aides.

The Office's mobile squads are emergency units which are prepared to rush to any crisis which develops.

The Office of School Safety also includes a training unit, which is responsible for the basic preparation of all school security personnel; a statistical unit which compiles reports of all school incidents; and a safety systems unit which is responsible for the development and application of security devices.

Appendices

A. UFT Contract Safety Provisions

ARTICLE VIII
SCHOOL SAFETY PLAN

The principal is charged with the responsibility of maintaining security and safety in the school. To meet this responsibility, he shall develop, in consultation with the Union chapter committee and the parents association of the school, a comprehensive safety plan, subject to the approval of the Chief Administrator of School Safety.

A complaint by a teacher that there has been a violation of the plan as to him, may be made to the principal, orally or in writing, as promptly as possible.

The principal shall render his decision within 24 hours after receiving the complaint.

If the teacher is not satisfied with the decision of the principal, he may appeal in writing as promptly as possible to the community superintendent or the assistant superintendent, as may be appropriate.

The community superintendent or assistant superintendent shall render his decision in writing to the teacher within 24 hours after receiving the appeal.

If the teacher is not satisfied with the decision of the community superintendent or assistant superintendent, he may appeal in writing to the Chief Administrator of School Safety and request a hearing, as promptly as possible after receiving the decision of the community superintendent or assistant superintendent.

The Chief Administrator of School Safety shall render his decision in writing to the teacher within 48 hours after receiving the appeal. If a hearing is requested, it shall be held within 48 hours and the decision shall be rendered within 48 hours after the close of the hearing. The decision of the Chief Administrator of School Safety shall be final and binding.

Where a substantial number of teachers have a complaint the chapter committee, upon their request, may initiate the complaint in their behalf.

Where all teachers in the school are affected, the chapter committee may initiate a complaint on behalf of all teachers.

ARTICLE IV F

8. Assistance in Assault Cases

a. Principals shall be required to report all cases of assault suffered by teachers in connection with their employment to the Executive Director for Personnel and to the Office of the Counsel.

b. The Office of the Counsel shall inform the teacher immediately of his rights under the law and shall provide such information in a written document.

c. The Office of the Counsel shall notify the teacher of its readiness to assist the teacher as follows:

by obtaining from police and from the principal relevant information concerning the culprits,
by accompanying the teacher in court appearances;
and by acting in other appropriate ways as liaison between teacher, police an the courts.

This assistance is intended solely to apply to the criminal aspect of any case arising from such assault.

d. Should the Office of the Counsel fail to provide an attorney to appear with the teacher in Family Court, the Board will reimburse the teacher if he retains his own attorney for only one such appearance in an amount up to $40.00.

ARTICLE XV
PROCEDURES FOR HANDLING SPECIAL BEHAVIOR PROBLEMS

The Board agrees that the procedures and policies concerning the problem of disruptive children, embodied in the Special Circular which is reproduced in the pages following this agreement, will not be changed during the term of this agreement, except that, after the first year of this agreement, the Chancellor may modify the circular in accordance with such recommendations of the Chancellor's Committee on Disruptive Children as the Chancellor proposes to the Union and the Union finds acceptable.

The provisions of the circular shall be subject to the grievance procedure and to arbitration only for the purpose of determining whether there has been a failure to comply with the procedural steps prescribed in the circular.

ARTICLE XVI
SPECIAL COMPLAINTS

It is the declared objective of the parties to encourage the prompt and informal resolution of special complaints not covered by the grievance procedure and to dispose of such complaints as they arise and to provide recourse to orderly procedures for their adjustment.

A. Definition

A "special complaint" is a complaint by an employee in the bargaining unit that persons or groups are engaging in a course of harassing conduct, or in acts of intimidation, which are being directed against him in the course of his employment, and that the school principal or community or assistant superintendent has not afforded the employee adequate relief against such course of conduct or acts of intimidation.

B. Filing and Priority Handling

A special complaint shall be promptly filed with the Chancellor by the affected employee or, upon his request, by the Union. Such complaint shall receive expedited handling pursuant to this article.

C. Joint Investigation and Informal Resolution

Within twenty-four (24) hours after the special complaint is filed with the Chancellor, a joint investigating committee consisting of one representative designated by the Chancellor and one representative designated by the Union shall investigate the complaint at the school level to ascertain the facts and bring about a prompt resolution of the problem without resort to formal procedures. In the course of its investigation, the joint committee shall confer with the principal of the school, the community or assistant superintendent and other persons involved in the controversy.

D. Administrative Hearing and Continued Attempt at Informal Resolution

If the complaint is not resolved by the joint investigating committee to the satisfaction of the affected employee, he may request a hearing before the Chancellor. Within forty-eight (48) hours after receipt of the request for hearing, the Chancellor, or a representative designated by him, shall hold a hearing at which the joint investigating committee shall report its findings and all persons involved, including the affected employee, shall have an opportunity to be heard. The complaining employee may represent himself at the hearing or, upon request, may be represented by the Union or by a person of his own choosing other than an attorney.

At the hearing the Chancellor or his representative shall make every effort to resolve the complaint informally and all persons involved shall cooperate toward this end.

E. Decision of the Chancellor

Within seventy-two (72) hours following the close of the hearing, the Chancellor shall notify all parties of his decision and the manner in which it shall be effectuated.

F. Fact Finding and Recommendations

If the complaint is not resolved by the Chancellor the affected employee, or the Union upon his request, may submit it for hearing and fact finding before an arbitrator selected in accordance with Article XC of this agreement. The submission shall be made within ten (10) school days after the issuance of the Chancellor's decision.

The voluntary labor rules of the American Arbitration Association shall apply to the proceeding in so far as they relate to the hearing, fees and expenses.

The fact finder shall render findings not later than seventy-two (72) hours from the date of the close of the hearings or, if oral hearings have been waived, then from the date of transmitting the final statements and proofs to the fact finder. The findings of fact shall be in writing. The fact finder shall limit his findings strictly to the question whether the employee's complaint has been substantiated by the evidence. If the fact finder finds the complaint to be substantiated and unremedied, he shall recommend an appropriate remedy.

The fact finder shall not interpret or apply the provisions of this agreement or exercise any of the other functions specified in Article X of this contract, nor shall he exercise any of the powers conferred upon trial examiners pursuant to Section 2590-j 7 (f) of the Education Law.

G. Board Consideration

Within ten (10) days after receipt of the fact finder's report, the Board shall make a determination.

SPECIAL CIRCULAR

1. A child who threatens or engages in physical violence to himself, his fellow students, or a teacher may be directed by the teacher to report immediately to the principal or other designated supervisor under such escort as is prescribed by the school. Such pupil shall not be returned to the classroom without consultation between the principal and the teacher.

2. Pupils who so seriously disrupt the classroom work as to impede effective instruction may be reported by the teacher to the principal or other designated supervisor. Such report shall be in writing and shall contain substantiating data on the behavior of the child.

3. Upon receiving a report of violent or disruptive behavior the principal or his designated representative shall make a suitable investigation and shall promptly initiate a course of action that will best serve the needs of the school and the child.

4. If the problem is not solved in this manner after available courses of action have been taken and a decision has been reached by the principal that the child

still so seriously disrupts the classroom work as to impede effective instruction, the child should be referred to other facilities within the school. If no such facilities exist within the school the principal shall refer the case to the community or assistant superintendent under existing procedures.

5. Each plan of action should involve the parent, the teacher, the child and other appropriate personnel. No final decision on placement or care should be arrived at without such participation.

6. If action by the principal is unduly delayed or if the child is repeatedly returned to the same teacher's classroom or if a series of actions by the principal does not resolve the issue, the teacher may appeal to the community or assistant superintendent. The community or assistant superintendent shall set up an appropriate procedure for review and disposition of such cases. If the community or assistant superintendent finds that the continued presence of that child in a regular classroom so interferes with instruction as to be seriously detrimental to the interests of all the children (including the particular child), he shall direct that the child not be returned to a regular class.

7. There shall be established in each district a panel to hear appeals from the decision of the community or assistant superintendent. The panel shall consist of a teacher selected by the Union, a parent selected by the local school board from a list of three names submitted to it by the district parents' council, and a third member selected by the community or assistant superintendent who shall be employed by the school system in the field of psychology or social work or guidance. The panel shall have the power to make recommendations in writing to the Chancellor who shall make the final decision on the appeal. During the first year of this circular the Chancellor will render his decision within 30 days following receipt of the panel recommendations and thereafter within 15 days.

B. Board of Education Circulars

Special Circular No. 64, 1972-1973

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF THE CHANCELLOR

December 29, 1972

TO: COMMUNITY SCHOOL BOARD CHAIRMEN, ALL SUPERINTENDENTS, EXECUTIVE DIRECTORS, DIRECTORS, HEADS OF BUREAUS AND PRINCIPALS OF ALL DAY SCHOOLS

Ladies and Gentlemen:

RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL PROPERTY

Pursuant to Article 55 of the Education Law, the Board of Education at a public meeting on November 15, 1972, adopted Rules and Regulations for the Maintenance of Public Order on School Property. The rules apply citywide. Community School Boards and Central Units shall post the Rules and Regulations in all schools under their respective jurisdictions. Community School Boards are urged to note especially the provisions of the second resolution. The full text follows:

"WHEREAS, Article 55 of the Education Law requires boards of education to adopt rules and regulations for the maintenance of public order on school property, which rules and regulations shall govern the conduct of students, teachers and other staff as well as visitors and other licensees and invitees; now therefore be it

"RESOLVED, that the following Rules and Regulations shall govern the conduct of all persons on school property in the citywide school district of the City of New York:

"1. Public schools, as public institutions, must provide a safe environment for students, staff, parents and visitors. The following actions are specifically prohibited: willful physical injury to any person, willful damage to property; willful disruption of the orderly conduct of classes or any other school program or activity; willful interference with the lawful and authorized activities of members of the school community; such as students, staff or parent organizations; entry upon school property for any purpose other than its authorized use, and the illegal or unauthorized possession on school property of narcotics, dangerous drugs or dangerous weapons as defined by law.

"2. Principals of schools, as chief administrative officers of the schools which they head, are responsible for the good order of the schools. Further, they are responsible for developing plans, programs and systems which provide for public order and the safety of students, staff, parents and visitors in their respective schools. Such plans shall include but need not be limited to the following: fire emergency and fire drills; bomb threat and school evacuation emergency; other public order emergency which may require the assistance of law enforcement or public safety agencies; accidents or incidents involving physical injury; the admission and regulation of visitors to the school building; peaceful demonstrations on school property; the use of school buildings or portions thereof during other than regular school hours by authorized individuals or groups; vehicle traffic on school property; access to special areas of potential danger on school property, such as heating plants and electrical facilities. Such plans shall be consistent with established laws, policies, rules and regulations, and shall be submitted as appropriate to Community School Boards or central authorities for review when so directed.

"3. Any student, teacher or other staff member, visitor or other licensee or invitee who commits a criminal act while in a school or on school property is subject to arrest and prosecution or, in the case of minors, to appropriate proceeding in accordance with law. Persons who commit such acts, or who violate these Rules and Regulations or such supplemental rules and regulations as are lawfully promulgated by the Chancellor or his designated representative or by the Community School Boards or their designated representatives, also are subject to removal from the school or school property where their act or action is a danger to the safety of others or interferes with the regular programs or activities of the school.

"a. In the case of students, a principal may impose appropriate disciplinary penalties, including reprimand, probation, or a suspension in accordance with Section 3214 of the Education Law and the regulations of the Board of Education. In appropriate cases, the principal may request a Superintendent's suspension in accordance with Section 3214 of the Education Law; such action may result in suspension, transfer, expulsion, or other appropriate disciplinary action in accordance with law, policy and regulations.

"b. In the case of teachers and other staff members, violations may result in warning, reprimand, fine, suspension, transfer or dismissal in accordance with applicable provisions of the Education Law, the Civil Service Law, the By-laws and regulations of the Board of Education, and appropriate contracts.

"c. In the case of visitors, guests, invitees, and licensees, violations may result in the following:

"1) In the event of interference with the orderly operation of school programs, the violator may be removed from school property. In serious cases involving interference with governmental administration, trespass, or loitering, violators are subject to removal, arrest and prosecution.

"2) In the event of damage to school or personal property, assault or robbery, and related offenses, violators are subject to arrest and prosecution.

"3) In the event of possession of dangerous drugs, narcotics or dangerous weapons, violators are subject to arrest and prosecution; and

"WHEREAS, the Education Law provides that pre-kindergarten, nursery, kindergarten, elementary, intermediate and junior high schools and programs in connection therewith shall be controlled and operated by the Community Boards, and

"WHEREAS, it is the policy of the Central Board of Education to recognize the full powers authorized by law for the Community Boards, now therefore be it

"RESOLVED, that each Community Board or its designated representative may promulgate such supplemental rules and regulations as it deems necessary or desirable to govern the conduct of students, teachers and other staff as well as visitors and other licensees and invitees in the schools under its jurisdiction, provided that such rules and regulations are not inconsistent with law, citywide policy or these Rules and Regulations; and be it further

"RESOLVED, that the Chancellor or his designated representative shall promulgate from time to time such directives and guidelines as are necessary to implement the provisions of these resolutions and to provide for the good order of schools in the citywide school district and to ensure the safety of students, staff, parents and visitors in such schools; and

"WHEREAS, Article 55 requires that rules and regulations and amendments thereto adopted by boards of education be filed with Regents and the Commissioner, now therefore be it

"RESOLVED, that the Chancellor shall file these Rules and Regulations and any subsequent amendments thereto with the Regents and the Commissioner in Accordance with Article 55; and

"WHEREAS, students, staff, parents and all members of the public-at-large are granted certain individual rights under the Constitution, law, policy and regulations, now therefore be it

"RESOLVED, that nothing in these Rules and Regulations shall be construed to permit or authorize the restriction of freedom of speech, peaceful assembly or the rights and responsibilities of students, staff, parents, parent associations or other citizens as guaranteed under law, policies and regulations."

Very truly yours,

HARVEY B. SCRIBNER
Chancellor

Special Circular No. 65, 1972-73

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF THE CHANCELLOR

January 3, 1973

TO: COMMUNITY SCHOOL BOARD CHAIRMEN, ALL SUPERINTENDENTS, EXECUTIVE DIRECTORS, DIRECTORS, HEADS OF BUREAUS, PRINCIPALS OF ALL DAY SCHOOLS AND PRESIDENTS OR CHAIRMEN OF HIGH SCHOOL OR SPECIAL SCHOOL PARENTS ASSOCIATIONS.

Ladies and Gentlemen:

REGULATIONS REGARDING VISITORS TO CENTRALLY-OPERATED SCHOOLS

I. These regulations apply to centrally-operated schools only. For these schools, these regulations take precedence over any inconsistent provisions of Section B. of Special Circular 34, 1970-71, dated November 20, 1970, and any inconsistent provisions of Special Circular 103, 1969-70, dated June 24, 1970.

II. Principals and heads of centrally-operated schools, as chief administrators of such schools, are responsible for the development and implementation of procedures for the admission of visitors to the schools which they head. In developing and implementing such procedures, principals and heads of schools shall be guided by the following:

A. The schools, as public institutions, are open to parents and other members of the public to the maximum feasible extent provided that the safety of students and staff members is ensured and provided that the programs and activities of the schools are not impaired.

B. Visitors may include parents of students enrolled in the schools, staff members and students assigned to other schools who are visiting the school on legitimate business, representatives of governmental or community agencies or organizations, and representatives of parent associations.

C. The principal or head of the school has the responsibility and authority to regulate the admission of visitors and their conduct in the school and on school property in order to provide for safety and an orderly environment and in order to protect the school's programs and activities from disruption.

D. The principal has the responsibility and authority to grant or deny a visitor's request to enter the school, to visit other parts of the school, or to meet with individual students or staff members or groups of students or staff members. Such decisions should be reasonable and consistent with both the need for school safety and the right of the public to visit schools.

E. Students or staff members should not be permitted to enter schools other than those in which they are enrolled or to which they are assigned during school hours without legitimate reason. Such visits, where permissible, should be made with the permission of the principal of the "home" school and the principal of the school to be visited.

F. Visitors who violate lawfully established procedures regarding visits to schools or whose conduct or behavior in the school jeopardizes the safety of students or staff members, endangers school property, or interferes with the programs and activities of the school are subject to removal from the school or school property on order of the principal. Such visitors are also subject to prosecution under the law where the law is violated.

III. Parents have the right to be accompanied by a friend or advisor at all hearings, conferences and interviews in the school, including pre-suspension conferences.

A. Whether a friend or advisor should accompany a parent at such meetings is the decision of the parent.

B. In accordance with Board of Education bylaws, at the conference following a principal's suspension, "the parent and the principal may each have the assistance of up to two other people unless both parties [are] agreed to additional persons." As stated in *Pupil Suspension: Toward a More Complete Understanding by Schools, Parents, and Pupils*, issued by the Board of Education in September 1970, "these persons can participate freely in the discussions."

C. Such friends or advisors are subject to the standards of conduct in the school applicable to all visitors.

Very truly yours,

Harvey B. Scribner
Chancellor

Special Circular No. 23, 1973-1974

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF THE CHANCELLOR

October 15, 1973

TO: COMMUNITY SCHOOL BOARD CHAIRMEN, ALL SUPERINTENDENTS, EXECUTIVE DIRECTORS, DIRECTORS, HEADS OF BUREAUS, PRINCIPALS OF ALL DAY SCHOOLS, TEACHER-IN-CHARGE OF CONTINUING EDUCATION CENTERS AND EVENING HIGH SCHOOLS

Ladies and Gentlemen:

REGULATIONS REGARDING SAFETY IN SCHOOLS

I. **These regulations supersede Special Circular No. 104, 1972-73, dated March 27, 1973.**

A. These regulations take effect immediately and apply city-wide.

B. In keeping with decentralization, it is the responsibility of community school boards to provide for safety in schools under their respective jurisdiction, and it is the responsibility of central units to provide for safety in schools under their respective jurisdictions. These regulations reflect this fundamental principle, including the responsibility of the Chancellor to set minimum standards, to provide services to the community school districts, and to monitor programs city-wide.

II. **Minimum Standards – Responsibility of the Principle in Matters of Safety**

The principal is responsible for the safety of students, staff and visitors in the school which he or she heads. As minimum standards which apply city-wide, the principal shall:

A. Ensure compliance with rules and regulations for the maintenance of public order on school property. (See Special Circular No. 64, 1972-73).

B. Supervise safety personnel under his or her jurisdiction.

C. Implement the school safety plan, as approved by the Central Office of School Safety, as well as policies, regulations and directives that pertain to safety.

D. Establish rules and procedures for visitors. (Regulations regarding visitors to centrally-operated schools are contained in Special Circular No. 65, 1972-73).

E. Establish cooperative relationships with the school's parent association and/or consultative council, the student government, community groups and organizations, social agencies concerned with youth and public safety, and police.

F. Consult and cooperate with the Office of School Safety on matters of school security.

G. Summon the assistance of police or other law enforcement or public safety agencies in appropriate situations, and cooperate with said agencies where criminal acts on school property are involved.

1. In cases where police are called to investigate an alleged offense committed on school property, the principal may permit police to interview complainants and to interview witnesses. No witness is required to submit to an interview with the police in the school.
2. The principal or his designee shall be present during all police interviews with students in the school.
3. The principal shall not allow police to remove a student from school except where the student is placed under arrest or is removed pursuant to a warrant or order for arrest issued by the Criminal Court or Family Court.
4. Where a student is arrested, the principal shall notify the parent immediately. If the parent cannot be reached, the principal shall request of the police that a member of the school staff accompany, if police permission is granted, or follow immediately, the student and the arresting officer, and remain with the student for a reasonable length of time or until the parent or guardian assumes parental responsibility.
5. The principal shall keep a record of all circumstances surrounding the arrest of a student, including the name and shield number of the arresting officer.

H. ALL CASES INVOLVING ASSAULTS ON TEACHERS MUST BE REPORTED TO THE OFFICE OF THE COUNSEL BY TELEPHONE IMMEDIATELY.

III. **Procedures for Reporting Incidents in Schools or on School Property**

A. The principal or the person in charge of a school shall report all incidents which occur in or about the school premises and all incidents which occur in connection with school activities away from the school premises, using incident Report Forms provided by the Office of School Safety.

B. Incident Reports shall be completed by the principal, or by a staff member authorized by the principal. When completed, Incident Reports shall be signed by the principal or his designated representative.

C. Completed and signed Incident Reports shall be mailed no later than the working day following the incident, as follows:

Original – to the Office of School Safety
Second copy – to the community or assistant superintendent
Third copy – to the School Custodian
Fourth copy – retained by the principal

D. The principal or head of school shall make an immediate telephone report in accordance with the procedures set forth below in cases of *serious* criminal incidents, arrests, injury resulting from criminal act or serious incidents of disturbance or confrontation. In addition to the telephone report, the principal must mail the completed Incident Report form.

1. Centrally-operated schools

   Telephone reports of serious incidents shall be made immediately to the supervising assistant superintendent and to the Office of School Safety.

2. School – Community School Districts

   The telephone report shall be made immediately to the community superintendent, who in turn shall telephone the Office of School Safety. Where the community superintendent cannot be reached, the principal shall telephone this report directly to the Office of School Safety, and notify the community superintendent subsequently.

3. Where a telephone report has been made, the completed Incident Report shall carry a notation to this effect and to the date and time of the telephone report.

E. **Witnesses**

The principal or his designated representative shall obtain handwritten statements of at least two witnesses, as well as a signed statement from the injured person, enumerating time, date and place of occurrence, with an accurate account detailing the nature and sequence of events. Statements of witnesses shall be attached to the completed report form.

IV. Injury to a Person – Report of Accident

In cases where injury occurs to a pupil, to an employee of the Board of Education, or to a person on or about the school premises, whether the result of an incident or of an accident, principals shall also file a Report of Accident (Form SS-G.05) in accordance with Section 89, subdivision 4 of the By-laws of the Board of Education.

V. Responsibility of the Central Office of School Safety – Chief Administrator for School Safety

A. The Chief Administrator for School Safety is the primary representative of the Chancellor on matters of safety in schools. He is responsible for the leadership of the central office of School Safety, the administration and supervision of its programs. He evaluates fingerprint records of all security personnel and submits recommendations on the applicant's suitability for assignment to the Office of Personnel.

1. With Regard to Centrally-Operated Schools, the Chief Administrator for School Safety is responsible for:

a) Recruitment, employment and training of safety personnel.

b) Assignment and transfer of safety personnel, in consultation with the principal or principals involved.

c) Reviewing, approving and monitoring of school safety plans, in keeping with Special Circular No. 26, 1972-73.

d) Cooperating with the Office of School Buildings, in the development of technological measures for the physical security of school buildings and school property, and the personal security of students and personnel.

2. With Regard to Schools in the Community School Districts, the Chief Administrator for School Safety is responsible for:

a) Informing, aiding and advising community school boards and community superintendents in the employment of their school safety personnel.

b) Providing training programs for safety staff employed by the Districts.

c) Reviewing and approving of school safety plans, in keeping with Special Circular No. 26, 1972-73.

d) Providing technical and emergency staff assistance on safety and security matters as requested by community school districts.

B. The Chief Administrator for School Safety shall develop and administer city-wide information systems with regard to school safety, including incident reporting systems, spot reports, analytical reports, reports to be used for planning purposes, and such monitoring systems as are necessary to ensure compliance with minimum standards.

1. Such information systems shall be used by the Chief Administrator for School Safety for day-to-day operational assignments of staff for centrally operated schools, to monitor school safety in the community school districts, to compile information and data necessary in the development of short-and long-range plans and programs to improve safety in schools, and to identify schools and districts that may be in need of technical assistance or emergency service which the Office of School Safety or other central offices may be able to provide.

2. The Chief Administrator shall notify the Office of the Chancellor, the Office of Education Information Services and Public Relations and the Office of the appropriate Executive Director of urgent reports; notify the Law Office on appropriate legal matters and of all cases involving assaults on teachers and forward copies of incident reports to appropriate central offices.

C. Supervisors of School Safety Serving as Safety Coordinators, assigned to the Office of School Safety, report to the Chief Administrator for School Safety. They maintain liaison with the Police Department and other governmental agencies, community school districts, community groups and organizations, and central Board of Education offices. Student service coordinators monitor and evaluate the performance of student service officers assigned to centrally-operated schools, in cooperation with the principal of such schools, and perform other duties assigned by the Chief Administrator for School Safety.

VI. **Personal Review Panel**

A. The Chief Administrator for School Safety is to serve as a member of the Personnel Review Panel, authorized by the Chancellor. The Panel will evaluate applicants whose fingerprint records indicate that there is a derogatory history, especially a record of arrests and convictions.

B. In any case in which the Personnel Review Panel determines that the applicant should not be employed, the ruling shall be binding on both the Central Board and all Community School Districts – Heads of Bureau Circular No. 20, 1972-73.

VII. **Other Regulations Concerning Safety in Schools and Related Matters include the following:**

A. Rules and Regulations for the Maintenance of Public Order of School Property . . . . See Special Circular No. 64, 1972-73.

B. Safety Plans . . . . See Special Circular No. 26, 1972-73.

C. Pupil Suspension . . . . See Special Circular No. 103, 1969-70.

D. Parent Association Rights and Responsibilities . . . . . . See the publication, "Parent Associations and the Schools," available from the central Office of Education Information Services and Public Relations, October 1971.

E. Statement of Rights and Responsibilities of Senior High School Students . . . . See Special Circular No. 104, 1969-70.

F. Regulations Regarding Visitors to Centrally Operated Schools . . . . See Special Circular No. 65, 1972-73.

G. Procedures for Registry Referral of Drug Addiction Cases to City Agencies . . . . See Special Circular No. 95, 1971-72.

H. Information and Resources Relative to Drug Abuse Education . . . . See Special Circular No. 10, 1971-72.

I. Personnel Review Panel – Heads of Bureau Circular No. 20, 1972-73.

Very truly yours,

IRVING ANKER
Chancellor

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF THE CHANCELLOR

MEMORANDUM

April 7, 1972

TO: HIGH SCHOOL SUPERINTENDENTS
PRINCIPALS OF ALL HIGH SCHOOLS

Ladies and Gentlemen:

SCHOOL SAFETY

Many parents, students and staff members are concerned about safety and order in the schools. Many parents and students also are concerned about the educational welfare and individual rights of students with regard to matters of discipline and suspension. Both these concerns are understandable and worthy of response by the schools.

I wish to emphasize these points:

1. The primary responsibility for providing a school environment which is safe and conducive to learning rests with the principal. This responsibility in part

involves safety, an orderly school environment, and the responsible behavior of staff and students. Special Circular 34, 1970-71, contains a number of directives and guidelines regarding school safety.

2. The principal has the responsibility and the authority to suspend a student when suspension is necessary for the safety and welfare of students and staff. The procedures to be followed in student suspensions are set forth in Special Circular 103, 1969-70. They govern both principals' suspensions and superintendents' suspensions.

a. Principals may suspend a student for up to five school days in those cases in which the immediate and temporary removal of the student from the school is deemed necessary and desirable. Such suspensions must be reviewed on a daily basis by the principal.

b. In more serious cases, principals may recommend a suspension by the supervising assistant superintendent. Section 3214 of the State Education Law authorizes such suspensions where the student's conduct "endangers the safety, morals, health or welfare of others." Such suspensions must include a hearing held not later than five school days after the commencement of the suspension. Under the law, the suspension may be continued after the hearing if continuation "appears to be for the best interest of the school and the minor."

c. Before an assistant superintendent's suspension is requested, the school must first explore remedial and guidance measures with the student and his parents. However, where an emergency exists based on overt behavior of the student, in order to protect the health and welfare of other students a superintendent's suspension may be requested immediately.

d. Where superintendents' suspensions are made and result in transfer of students from the school, staff reallocations will be made. The Office of High Schools will reassign one teaching position from a school for every twenty-five students transferred from the school as the result of a superintendent's suspension. Such positions will be reassigned in accordance with student needs.

3. The student who persistently does not attend classes and loiters in the school or on school property represents both an educational problem and a potential problem in school safety.

a. Principals should provide counseling and guidance assistance to such a student, including a review of the appropriateness of the student's educational program. Where possible and appropriate, principals should seek to provide such a student the opportunity to participate in an alternative educational program. (See Memorandum to High School Superintendents and Principals of 4/6/72.)

b. Where the school has exhausted all reasonable guidance and counseling efforts, including the possibility of providing an alternative educational program, and where the student's behavior persists, i.e., persistent loitering in the school or on school property, the principal should determine whether such behavior represents a danger to the safety and welfare of the student involved and/or other students and staff. Where the principal makes such a determination, an assistant superintendent's suspension may be requested.

Sincerely,

Harvey B. Scribner
Chancellor

cc: Community School Board Chairmen
Executive Directors
Community Superintendents
Heads of Bureaus
High School Parent Association Presidents

C. New York State Penal Code

Definitions of Offenses That May Be Encountered in Schools

Based on the text of the revised Penal Law of the State of New York as currently amended to September 1, 1971.

Please note that Article 30, Section 30.00, paragraph 1 states, "A person less than sixteen years old is not criminally responsible for conduct."

Section 240.25 Harassment

A person is guilty of harassment when, with intent to harass, annoy or alarm another person:

1. He strikes, shoves, kicks or otherwise subjects him to physical contact; or attempts or threatens to do the same; or
2. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
3. He follows a person in or about a public place or places; or
4. As a student in school, college or other institution of learning, he engages in conduct commonly called hazing; or
5. He engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

Article 120 Assault

A person is guilty of assault when he causes injury to another person with intent, through recklessness or through negligence.

Section 120.15 Menacing

A person is guilty of menacing when by physical menace he intentionally places or attempts to place another person in fear of imminent serious physical injury.

Section 120.20 Reckless Endangerment

A person is guilty of reckless endangerment when he recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

Article 140 Burglary and Related Offenses

Section 140.05 Trespass

"A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises." (This includes defying a lawful order not to enter or remain personally communicated to him by someone duly authorized.)

Section 140.20 Burglary

A person is guilty of burglary when he knowingly enters or remains unlawfully in a building with intent to commit a crime therein.

Article 145 Criminal Mischief and Related

Sections 145.00 to 145.12

A person is guilty of criminal mischief when having no right to do so nor any reasonable ground to believe that he has such a right he intentionally damages property of another person or recklessly damages property of another person in an amount exceeding $250.00.

Sections 145.15, .20 Criminal Tampering

A person is guilty of criminal tampering when, having no right to do so or any reasonable ground to believe that he has such a right, he tampers with property of another person with intent to cause substantial inconvenience to such person or to a third person.

Article 150 Arson

A person is guilty of arson when he recklessly or intentionally damages a building by intentionally starting a fire or causing an explosion.

Title J Offenses Involving Theft

Article 155 Larceny

Section 155.05

A person steals property and commits larceny when with intent to deprive another of property or to appropriate the same to himself or to a third person, he wrongfully takes, obtains or withholds such property from an owner thereof.

Article 160 Robbery

Section 160.00 Robbery is forcible stealing.

A person forcibly steals property and commits robbery when, in the course of committing a larceny, he uses or threatens the immediate use of physical force upon another person for the purpose of:

1. Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or
2. Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny.

Article 240 – Offenses Against Public Order

Section 240.05 Riot in the second degree.

A person is guilty of riot in the second degree when, simultaneously with four or more other persons, he engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing public alarm.

Section 240.06 Riot in the first degree.

A person is guilty of riot in the first degree when (a) simultaneously with ten or more other persons he engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing public alarm, and (b) in the course of and as a result of such conduct, a person other than one of the participants suffers physical injury or substantial property damage occurs.

Section 240.08 Inciting to riot.

A person is guilty of inciting to riot when he urges ten or more persons to engage in tumultuous and violent conduct of a kind likely to create public alarm.

Section 240.10 Unlawful assembly.

A person is guilty of unlawful assembly when he assembles with four or more other persons for the purpose of engaging or preparing to engage with them in tumultuous and violent conduct likely to cause public alarm, or when, being present at an assembly which either has or develops such purpose, he remains there with intent to advance that purpose.

Section 240.20 Disorderly conduct.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior; or
2. He makes unreasonable noise; or
3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or

5. He obstructs vehicular or pedestrian traffic; or

6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or

7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

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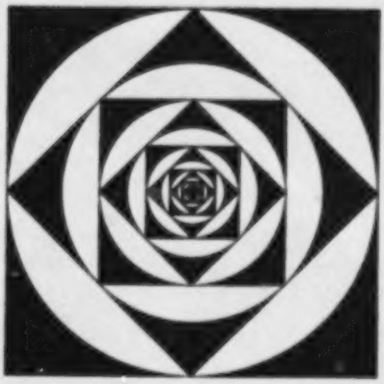
SOLUTIONS TO CONFLICT & VIOLENCE IN THE SCHOOLS

THE YERBA BUENA PLAN



A SCHOOL - BASED INTERAGENCY TEAM APPROACH

Yerba Buena High School
East Side Union High School District
San Jose, California

ACKNOWLEDGEMENTS

This booklet is the result of people - people who have their heads in the right direction and who do not permit themselves to be locked in by traditional philosophy and methods, but in the true spirit of professionals proceed cautiously and systematically to establish new ways to attack the serious problems that confront education and society.

It begins with Staff - counselors, teachers and administrators whose professionalism created the conditions for effecting change at Yerba Buena High School, and it is reflected more specifically in people who for one reason or another became directly involved in making the Yerba Buena Crisis Counseling Project work.

First, there is Dr. John Hernandez, an outstanding Principal, who from the outset encouraged constructive change and was not threatened by it when it came. Then, there is his Associate Principal, John Sellarole, who took it upon himself to encourage, defend, promote and technically assist in developing the project. From the teaching staff, Jerry Powell, now the Crisis Counselor, who always believed in the project and whose people-skills have helped develop parent education and peer counseling at Yerba Buena High School. Iola Williams, Coordinator of the Project's 24-hour Center, also parent and Board member whose energy, talent and leadership skills spurred the project on and raised the level of its effectiveness. Dave Castro, Home-School Liaison consultant and neighborhood resident whose communication skills, along with his belief in and understanding of the program reached ears that might not have been reached by others - clarifying the intent of the project so that people in the Community could accept and support it. Finally Gerald Mullins, Project Director and Editor of this booklet whose dissatisfaction with the traditional system led him to suggest a new structure, one that would be more responsive to the needs of students and their families.

We believe that every District in the country can put this kind of coalition together to make the system more responsive to people.

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INTRODUCTION

The Yerba Buena Project is not simply a program. It is a philosophy and this may be the reason for its strength. It not only explores new directions in counseling, but it lays out a new organizational strategy for school and community alike. We hope that this resource manual will be of some benefit to you in developing a strategy for change in your own schools and districts.

Quotes:

1. Henry Steele Commager, Historian and Educator, Today's Education, September, 1974.

   "Almost from the beginning, Americans lacked most of those institutions which in the Old World took on the task of teaching the young--what they needed to know in adult life: the church, the guild, the farm, the forge, the class system, the extended family. Therefore Americans have tended to put more and more responsibility onto schools.

   ...In short, Americans asked the schools to do what the Old World was done by a dozen ancient and powerful institutions."

2. Terrel Bell, Commissioner of Education - an Interview, September 16, 1974.

   "I would like to see the neighborhood school develop a new role as a child-development center, using the school as a delivery mechanism not only for working on students learning problems but for health care and other social services into the children's home."

3. James Reusswig, Superintendent, Vallejo City Union School District, California School Boards, September, 1974.

   "We need to think imaginatively of service centers for children and youth where all of the resources of the community are available when needed rather than referral systems that too often are never-ending steps to failure and oblivion."

PROJECT BEGINNINGS

The beginnings of this project go back to the Fall of 1971. The Coordinator for Counseling in the East Side Union High School District alerted Head Counselors that money might be acquired through submitting competetive applications for grants to ESEA Title III. The objective was to review the conventional organizational structure of counseling and come-up with more advanced techniques in delivering services to young people. At that particular time and even today in many areas counseling suffers from a rather dreary image with very little professional identification other than an association with the administration in maintaining organizational stability within the school. Counselor responsibilities lay chiefly in scheduling and making program changes. Individual counseling is part of the Counselor's job, but loads of 300 to 400 to 1 have pretty well limited his professional effectiveness in performing what should be his primary function. It was necessary therefore to look at the system and suggest a new arrangement that would not only be beneficial to the counselor as a professional, but to his students as well. With this in mind, the Yerba Buena Counseling Center began the development of a far-reaching program that would open up new professional possibilities for the counselor, increased services for the student and his family, as well as a support staff for the counselor and teacher alike.

In May of 1972 word was received from Sacramento that the project was approved and that the Title III Review Board had given it a No. 1 position among some 200 proposals received that year. A grant of $27,000 was received in order to initiate the program. This may seem a small amount, but in effect it gave us all the more reason to show that the kind of program we were proposing could be established at any school at very little cost. Over a period of three years the results have greatly exceeded our expectations. Two major programs - The Learning Center and 24-hour Services for Adolescents - have evolved from the Crisis program with great benefit to our students and at no extra cost to our school or district. Furthermore, as a result of the program support services at Yerba Buena High School exceed that of any other high school in the district and for that matter in the County. The value of these services runs into the thousands of dollars and most importantly they are carefully integrated into the total program at Yerba Buena.

A good deal of State-wide attention has been given to the project. Appearances have been made before state committees; invitations were issued and accepted to give presentations at four State Conventions, articles on the program have appeared in different state journals; and as of June 1975 seven school districts in the State of California have taken initial steps towards implementation of the project. The United States Commissioner of Education, Terrel Bell, has commended the project as an attempt to use the school as a "delivery mechanism" within the neighborhood.

What are the reasons for this kind of response. We think there are three: (1) Crime and conflict on high school campuses is more evident than ever before; (2) the project has developed a workable structure for utilizing community support systems at little or no cost to the school, yet with great potential for increased services to students and their families; (3) we have cut through surface solutions and gotten down to a basic problem, organizational structure, related not only to education, but to the whole question of delivering quality services to people.

If you want to have a positive influence on your school and the neighborhood surrounding it, the information that follows may be worth your serious consideration. It clarifies a fundamental issue of mutual concern to school and community and details a new organizational philosophy and method for resolving it.

THE PROBLEM

I. An Organizational Problem
II. A Ten Year Study

THE PROBLEM

In an article entitled "Watergate and the Schools" in the September '74 issue of Today's Education, Henry Steele Commager, Historian and Educator, develops the point that the schools in America have traditionally been isolated from involvement in the larger community. Their position, in effect, has been that of island communities cut-off from the mainland. Perhaps this kind of arrangement led us to the present state of affairs in education today. The school has become a scapegoat for a larger community that is confused and suffering from problems of its own - satisfaction is gained from heaping criticism on a vulnerable institution, but not through a willingness to evaluate it in terms of the whole Community and its relationship to that community. In other words, change in the educational community will only come about when the larger community is willing to bend its own structure.

Regardless of this, however, problems in the school are a fact and most evident. Crime, violence and vandalism are becoming commonplace on our campuses, especially in the urban areas, division exists within our own professional ranks and methods of school management appear to be out moded; our own professional ability is being called into question by the people and other professionals as well. The picture is not a healthy one. It is confusing for the community as a whole and it makes it all the more urgent, therefore, for educators to break away from their island mentality, go on the offensive, and come-up with creative solutions based on clear evidence and hard logic - solutions that will benefit the school as well as the community.

An Organizational Problem

The school problem, then, is related closely to the community problem. It has to do with coordination, mutual support, and consistency. It is basically an organizational problem, a result of the long standing split between the school and the community. Our long history of isolation and self containment has left us without the full benefit of human services that are available to the larger community. As a result, the schools have had to cope with socio-economic problems in their own fashion.

Educators have had to divert their attention from their primary function and take on secondary roles that had nothing to do with their academic responsibilities. They have been doing this ever since the establishment of the little red school house, but now in this highly technical, urbanized and much enlarged world, where school enrollments exceed the population of some small rural townships, the practice is disastrous.

Add to this the disruption of family life, the loss of control and respect of parents by their children, the multitude of new experiences and philosophies in this "enlightened" society, the alienation and disenchantment of the poor and the minorities and the problem in the schools becomes even more ominous.

The Problem - A Ten Year Study

The problem has been under serious study in the East Side Union High School District for the past ten years. In 1963, we developed a program called Project Character to study the root causes of conflict in the lives of our young in the East Side of San Jose. We took surveys of students, teachers and parents; we conducted teacher inservice programs and invited students, teachers, parents and community leaders to confront education with their concerns and problems.

We learned what the major disruptions were in the lives of the young people of our community, but they were of such a nature that we as educators laboring within the constraints of our educational system were not able to deal with them. They called for a special coordination with outside services that simply did not exist during the three years that the project was functioning. In fact, we had not even reached that stage of development. That would come after painful experiences of riot violence, bombing, philosophical and racial differences. From these painful experiences, we learned that the school could not stand alone.

Programs such as Project Character, where we concentrated on self-image, teacher student relations, etc., were all well and good, but without an effective school-community management system they were not much more than 10% effective. An on-campus riot took place in 1967. The tie between community and school was weak; confrontation resulted.

Teachers and administrators were at odds in regards to basic disciplinary procedures. Teachers themselves were as much divided as people in the community. Students received an overdose of one of the major complaints recorded in Project Character - adult inconsistency. Different messages came from different teachers, parents, agency representatives and militants. The result was mass student confusion, and not much academic learning took place that year.

A new spirit began to evolve in the East Side Union High School District from 1967 to 1971. It was one that encouraged greater community involvement in school affairs. The first step was the creation of the home-school liaison program. Representatives from the neighborhood were hired by the school to improve and maintain better home-school relations. Teachers and counselors were encouraged to make as many contacts with the home as possible.

The next step came in connection with an educational park study. Its purpose was to develop a preventive strategy for meeting tomorrow's educational demands. Blue ribbon committees were made up of students, city and county leaders, parents and teachers.

The parent's committee recognized the need of an interagency concept built into the future Educational Park. It was without doubt the most innovative strategy presented through the study. It was reviewed and approved by all committees. There was no attempt to show how it might be implemented or to expound on a school-community philosophy.

All of these previous efforts to build a new relationship with the community culminated in 1972, in a master plan to create a complete alliance between school and community. It is known as the Yerba Buena Crisis Counseling Project. Parents, students, teachers, and agency professionals were involved in the development of the program.

THE SOLUTION

I. Project Philosophy
II. As Yerba Buena Saw It
III. Two Dangers
IV. The Yerba Buena Plan
V. Crisis Prevention
VI. Conclusion

THE SOLUTION

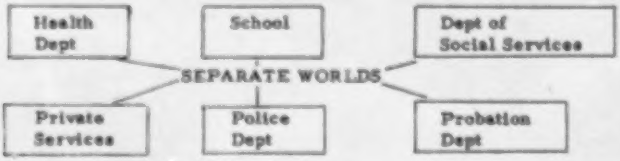
Project's Philosophy

Perhaps for the first time the role of the school in the community is being articulated and implemented in such a way that there is no doubt as to the school's relationship to the family, the neighborhood, and the human service professionals. The following premises describe the project's philosophy:

1. The neighborhood is the smallest, most logical unit in terms of measuring need, delivering services, and evaluating results.
2. When services at the neighborhood level are increased and improved, the school in that neighborhood will begin to exhibit good side effects.
3. The school is the established institution within the neighborhood. It's accessible to people. Both students and parents accept it. They sometimes expect more services than it can presently deliver.
4. Since the school is expected by its community to deliver more than simple academic services, it must be supported by a staff of professionals, who represent key community service agencies.
5. The school must not jeopardize its primary function, which is education. That function must not be diluted by diversion of educational staff. Rather it must be protected by the presence of a support staff representing other service agencies.
6. The school possesses a professional staff that works with the adolescent on a daily basis. Its counselors, administrators and home-school liaison consultants could be a rich source of information for the community professional. Shared information should result in increasingly effective and efficient action on the part of the community service agencies.
7. The school has a catalytic potential for uniting the community by bringing together under one roof professionals from various fields.
8. The school possesses both the facilities and the skilled personnel capable of instituting and carrying out follow-up programs once the immediate crisis is resolved.

The Problem as Yerba Buena Saw It

The problem as Yerba Buena saw it within its neighborhood was fragmentation of professional leadership - schools, police, probation, social services, were all working in separate worlds with only superficial contacts and no day-in, day-out working relationship based on an integrated philosophy and method for systematically dealing with the problems of family, school, and neighborhood.



This kind of system has done more to promote delinquency than it has to prevent it. We are victims of our own bureaucratic system, operating on five or six different tracks and limited within the narrow constraints of our own particular agency. We become vulnerable to attack and manipulation. Defensiveness, suspicion, distrust, empire building and frustration is the result. Consistency can never be one of our hallmarks because we are divided, and without consistency there can be no on-going solution to crime, violence or any of the other problems on the campus and in the neighborhood. There must be a coming together and that coming together will only be achieved through an honest commitment to Interagency cooperation.

Two Dangers

We have sufficient background information to initiate intelligent actions toward a final solution of the problem we have been just describing. From where we stand, however, there are two dangers - one, that we ignore the real problem which has to do with organizational structure within the community's human service system and the need for radical modification, and two, that the traditional separation and therefore self-interest of our own particular agencies may damage our ability to work together toward common goals.

The Yerba Buena Plan

The Interagency Team approach as conceived through the Yerba Buena Plan is related to a specific neighborhood. In this case, the neighborhood is on the lowest rung of the socio-economic ladder in Santa Clara County. The neighborhood is defined by the school boundaries. For Yerba Buena High School that means a population of some 80,000 to 90,000 people. The school's student population is 1,850 with some 70 teachers, 8 counselors, and 2 home-school liaison consultants. Some 50% of the students are Mexican Americans, 28% white and 15% Black. 30% of their families are on welfare. Although the neighborhood has had its share of crime and violence, there has been virtually no evidence of it at Yerba Buena High School for the past two years. Credit for this has been attributed to the Interagency strategy we are about to describe.

As the key established institution within the neighborhood, Yerba Buena High School has become the professional center for human services, or, as theUnited States Commissioner of Education puts it, it acts as a "Delivery Mechanism" within the neighborhood. The ultimate hope would be that other schools in strategic areas within the neighborhood would house Interagency Teams. Together they would be responsible for assessing needs of the neighborhood, delivering services and ultimately improving the living conditions of the area. This kind of decentralized system improves communication between the people and the establishment. It introduces a working consistency among professionals that presently is not in evidence and it encourages team work or a togetherness in planning and accepting common goals and methods in attacking the major problems of the neighborhood. Instead of 50 different answers, there is one coordinated neighborhood effort to improve conditions. The educational system is bound to feel the good side effects.

The beauty of the Yerba Buena Plan is that it has the capacity to handle immediate crises, but, more importantly, it can deal with long term crises - establishing conditions that reduce the number of immediate crises. This is done by developing two separate yet complimentary strategies - Crisis Intervention and Crisis Prevention. Within these strategies are vital components that act as permanent mechanisms in bringing about change. They are built into the system in the following way.

An Office for the Coordination of Services is created in the school. A counselor is put in charge of the office.

Community agencies and organizations that can offer some positive service to the student, school, or family are identified. This might consist of anything from tutoring and special counseling to the supply of food and clothing. The Coordinator of Services builds a close relationship with specific contact people in those organizations. This is know as an Agency Support System.

The major agencies in the community, such as Social Service, Probation, Police, Mental Health, etc., are encouraged to supply a working professional from their respective agencies to work together under the roof of the school in team effort with the school's Coordinator of Services.

Presently, on the Yerba Buena Team representing outside agencies are two social workers, a probation officer, a police officer in charge of 601 Diversion, a psychiatrist, a parent and teacher training specialist. In addition to this, there is a home-school liaison consultant, a parent and board member together with an administrator and school counselor. All elements of the neighborhood are represented. This interagency approach becomes a support system to the teachers handling critical problems that rest outside of the strictly academic field. It gets the teacher out of the business of social work and puts him back full time into the business of teaching.

The school is put into the business of 24-hour services for adolescents and their families within the neighborhood it services. Again, this is done through a coordinated effort with the community's crisis services. A 24-hour emergency line is established in connection with the school. Trained professionals in Crisis Intervention are on call 24 hours a day to respond to any crisis. The Yerba Buena 24-hour center is maned by two permanent social workers and some 12 volunteer professionals from the Department of Social Services who are assigned on-call duty on different nights during the month. The professional on duty uses a pager, so the emergency service can immediately contact him. Temporary foster home placement is available if the crisis is of such a nature that the young person must be removed from the home. After the immediate crisis is diffused, staffing begins between the social worker or any other agency professional and the educator to devise a follow-up prescription for the student and possibly for the parents. Special courses and model teachers may be recommended for the adolescent in crisis. Also, a special parent training course may be recommended for the parents of the youngster.

The school becomes a communication network alerting young people to the 24-hour service available to them. The referral game ends. One contact with our crisis service and the process of intervention and prevention begins and ends within the neighborhood where the crisis originated. Strict records are kept to see that contact has been made and service satisfactorily completed.

Crisis Prevention

The Coordinator in charge of Special Services must not only make identifications of hard-core crisis students, he must develop mechanisms within the school to deal with them. A hard-core crisis student would be considered one who is (a) beyond control either at home, at school, or both; (b) he has manifested patterns of hostility, passive resistance, drug addiction, or truancy.

At Yerba Buena the following on-going mechanisms have been devised to handle these students:

1. Early Identification of the Crisis-Prone Student, even prior to entering Yerba Buena, through communication with the feeder schools. These students are given special attention. Some of them suffer from learning disabilities, so we coordinate with the feeder school and bus them to Yerba Buena for a daily 2-1/2 hour session in intensive reading and math sessions. Besides the availability of reading

and math consultants, each youngster is assigned to a model high school student who acts as his special tutor. When the grade school student has reached a normal reading and math level, he is phased out of the program. An added value of this approach is that the student, before he enters Yerba Buena High School, has developed a loyalty and respect for the school. The parents appreciate our efforts and so we have their loyalty as well. The feeder school and the high school develop a mutual concern for solving joint problems.

2. Special Educational Prescriptions This is achieved by prescribing special courses and teacher models for the student in crisis. If there is a rejection of the normal structure of classes, then the student can be placed in an Opportunity Class which is under the control of one teacher - courses are individualized, and when the teacher and the student feel that he is ready to move back into the normal school structure, he is permitted to do so. Follow-up on the student is continued.
3. Teacher Training Teachers can reduce many of their problems in the classroom by going through special crisis training. They can help create a good environment on campus by learning better techniques in dealing with young people, but especially with the crisis prone. At Yerba Buena on-going teacher training is a necessary element in helping to keep the peace and establishing some kind of unity on basic disciplinary philosophy and method.
4. Parent Education Any parents identified as having severe problems in their relations with their children are referred to the team psychiatrist or the parent training specialist or both. After the problem is clearly identified, the objective is to show the parent how to regain control of the family situation, how to manage his child in a more realistic way and, if nothing else, it alerts the child that the parent and the school are dead serious about putting some order into his life.
5. Peer Counseling Students who have experienced crisis, survived it and are now investing in the educational system are probably in the best position to have some positive influence on those youngsters still in a state of crisis. At Yerba Buena Peer Counseling is becoming a very important part of our program. Some former crisis students are now engaged in counseling other students who find themselves in a similar set of circumstances. The Coordinator of Special Services directs this part of the program.

Conclusion

There is no easy answer to solving the problems described earlier in our booklet. An instant solution is the worst kind of solution to apply to this problem. We have already created a kind of patchwork that complicates our ability to cut through the multitude of answers and to come up with a unified philosophy and method that creates a singleness of purpose in dealing with the problem.

Admittedly, implementation of the Yerba Buena Plan requires time. Every component within the plan is a necessity. Attitudes have to be changed, neighborhood unity as well as professional unity has to be gradually achieved. Team strategies have to be developed, and the school itself has to modify its organizational structure. Much could be achieved in the first year of operation, but it may take as many as three years to experience substantial benefits from the program.

What we are really talking about here is unity, and a plan to achieve unity. Division or loosely structured organizational systems have never helped to solve anything. This is why the solution we are suggesting may be the last solution. If we cannot unify in a meaningful way at the professional level, we will not be able to unify at any other level and our schools, our neighborhoods and our country will be that much the worse for it.

HOW TO ORGANIZE IT

I. A Self Examination

II. Organizational Rules

III. Response Survey

IV. Factors Involved in Program's Progress

A CHECKLIST FOR EXAMINING THE CRUCIAL FOUNDATIONS FOR A PEACEFUL ENVIRONMENT ON THE CAMPUS

Any school that is serious about solving its conflict problems and establishing academic stability on its campus is going to have to make a careful self-examination no matter how painful it may be. The following questions are offered as a check-list to facilitate that examination. It deals with three areas of importance - Staff Unity, Parent-Teacher Unity, and School-Community Unity. If campus conflict is going to be reduced, these three unities are going to have to be achieved, otherwise conflict will continue.

STAFF UNITY

YES NO

1. Have limitations been clearly set for students and does the faculty as a whole follow through on seeing that they are kept? ___ ___
   Is discipline administered in a consistent manner through out the school? ___ ___
   Are the rules totally agreed upon by all the staff? ___ ___
   For instance:
   What is the policy on tardies, absences, chewing gum, restricted campus areas, etc.?
   What are the consequences once a rule has been broken?
   Do Administration and teachers ignore applying them?
   Is it left up to one man to apply them and play the role of the bad guy or does staff take on its share of responsibility?
2. Does the Administration have a good consistent follow-up policy - double checking to see that accepted policy is really implemented? ___ ___
   Does it have clearly spelled-out policies for taking action against teachers or other faculty members who hinder or block the implementation of school policy? ___ ___
3. Is there a persistent policy on the part of the Director of Curriculum to identify problem teachers and work with them? ___ ___
   Does he visit the classrooms frequently and are counselors used as sounding boards to identify such teachers? ___ ___

	YES	NO
4. Are frequent Administrative and Counselor meetings held to keep on top of campus issues, as well as to brainstorm new ideas for improving the school?	___	___
5. Has the Administration been open with students, permitting them to contribute towards the setting of guidelines in areas that most affect them?	___	___
Such things as dress styles, campus activities, etc.		
6. Do teachers have basic dress standards for themselves or is their dress behavior more influenced by the students?	___	___
7. Is there an on-going, in-service program for teachers, stressing such things as teacher professionalism, student-teacher relations, values, methods of dealing with the crisis-prone?	___	___
8. Is the Administration centralized with one dominant figure or a small clique of individuals maintaining power, or has there been a sincere attempt to conduct an open policy encouraging in-put and involvement?	___	___
The policy of Administrative staff should be to encourage a team attitude and make all members of staff feel important.		
9. Does Administration encourage professionalism by periodically bringing staff attention to pertinent articles, by conducting special in-service days etc.?	___	___
10. Does the Administration encourage creativity on the part of all staff members?	___	___
Do they alert staff to the various funding possibilities available for innovative programs?	___	___
11. Does the school have an enlightened program with well defined policies in handling crisis-prone students or is its philosophy more reactive?	___	___
12. Are counselors more a branch of Administration or are their talents and skills used to help students, parents, and teachers?	___	___
13. Does the cultural make-up of the staff balance with the cultural make-up of the families served by the school?	___	___

PARENT-TEACHER UNITY

	YES	NO
1. Is the school vulnerable, so that any parent that comes along, right or wrong, can put the school in a defensive position, or have effective methods of communication been set-up?	___	___
2. Is the school in a position where it can be easily manipulated by the student, playing both ends against the middle?	___	___
3. Are school regulations applicable to students clearly communicated to parents?	___	___
Do parents understand and accept the educational value of those regulations?	___	___
4. Do teachers periodically contact parents either by telephone or through poor work notices or good work notices?	___	___
5. Are parent conferences arranged by counselors and are concerned teachers asked to be present?	___	___
6. Does the school have a home-school liaison program - community residents working for the school as a communication bridge between the school and the neighborhood?	___	___
7. Does staff really know the socio-economic facts of the families from which their students come - such facts as size of families, number of unemployed, number on assistance, number of single parent families, number of families headed by women?	___	___
8. Has staff made every effort to develop programs that take into consideration the socio-economic and academic conditions of the families they service?	___	___
9. Does the school offer parent education classes?	___	___
10. Are the following parent-participation groups active in your school and District:		
Parent-Teacher-Student Association ?	___	___
Parent Advisory Group?	___	___
Band Booster?	___	___
Athletic Booster?	___	___
District Parent Advisory Group?	___	___
Superintendent's Advisory Board?	___	___
Superintendent's Coordinating Council?	___	___

	YES	NO
11. Do goals and objectives of your school receive input from the parents of your attendance area?	___	___
12. Periodically do you get out to the parents by arranging such get-to-gethers as coffees in different parents homes? These would be get-to-gethers for the purpose of discussing informally problems, concerns, or suggestions about school and students.	___	___
13. Do you encourage parent participation in conducting surveys in the neighborhood for the purpose of getting a better feel for what the people want from their school? For instance: A survey might be conducted to see how many parents might be interested in parent education classes.	___	___
14. Do you utilize the summer as a time to contact a majority of the parents who will be sending their childred to the school? Orientation, Counseling, tutoring, testing all might be made available during the summer and at great value to the student and his family.	___	___
15. Do disciplinary personnel assure that no student suspended without parental notification?	___	___
16. Are parents encouraged to visit the school and are school facilities easily made available to them when they have need of them?	___	___
17. Are parental conferences required on major problems, so that there is a joint effort by school and home to correct the probleme?	___	___
18. Does the principal take hold of every opportunity to express his genuine gratitude for any services, efforts, or participation by parents, students, staff, or community members?	___	___

SCHOOL-COMMUNITY UNITY

	YES	NO
1. Does the school encourage communication and dialogue with off-campus agencies and organizations that may contribute to a better environment on campus or is agency involvement kept to a minimum?	___	___
2. Does the school take an active role in voicing the concerns it has not only for the academic needs of the people it serves, but for the human needs as well?	___	___
3. Does the school feel any sense of responsibility for addressing its efforts to correcting socio-economic conditions that limit a students academic performance?	___	___
4. Does the school see the need of closer coordination with such community organizations as Social Service, Probation, Police, Health etc.?	___	___
5. Has the school taken the initiative in communicating with the agencies?	___	___
6. Has the school taken the initiative for suggesting better organizational methods for coordinating with the agencies?	___	___
7. Does the school see the value of having agency professionals working out of the school?	___	___

ORGANIZATIONAL RULES

The complex nature of the project calls for careful planning. It is not the type of program that can be set-up overnite. The person or persons involved in organizing such a venture must realize that in the building process they will be suggesting some structural changes, not only for education, but for the agencies as well. Traditional approaches die hard. New approaches have to be crystal clear in their logic and feasibility. But besides structural change, there are attitudes that have to be developed. Parents, teachers, students, and agency professionals have to be reached and educated with regard to the value of the proposal. Because of this we are suggesting that the following steps be taken in setting-up the program:

Make a thorough Needs Assessment of the school and the neighborhood it services. (This should be an academic and socio-economic assessment)

1. Seek assistance from the City Planning Commission. Break your neighborhood down by census tract and study population, ethnic make-up, family size, income, welfare, etc.
2. Ask Probation to do an analysis of the Juvenile Dilenquency problem in your neighborhood - indicating number of referrals and comparing it with other areas in the County.
3. Study your school's disciplinary referrals, attendance records and any other sources that will give you a handle on the exact nature of the problems at your school.

After a careful study of the facts, isolate tha major problem areas. Clarify in your own mind the relationship of those problems to the home, neighborhood and school. Document everything.

1. Study the possible relationship of Social Service, Probation, Police, Health, etc. to these problems.
2. Estimate the actual number of Social Workers, Probation Officers, etc. working with your schools, students, and families.
3. Has there been good communication or poor communication with these agencies? Is there presently a good working relationship with the agency representatives working in the neighborhood? Do they feel free to come into the school and discuss the family's problem with counselors or administrators? Do you see duplication?

In order that you may better plead your case make sure that you fully understand and accept the value of a school-based Interagency Team and all the possible components that are a part of it.

1. Study carefully the rationale presented in the first part of this booklet. If further information is needed contact our Center at Yerba Buena High School.
2. Have informal discussions with your own colleagues or people you are familiar with in the neighborhood. Dialogue helps to clarify things.

Identify a small nucleus of school staff who might be willing to work with you in developing and implementing the project.

1. A strong supportive committtment from school administrators is a must. It gives you a committtment from your school as well as a liaison to the District Office.
2. Counselors should be a natural source of support. Therefore you should identify those sympathetic to the Interagency Concept.

With your knowledge of the facts, some staff support from the school, and an understanding of the kind of program you want, your next step will be to identify parents within the neighborhood your school services.

1. These parents will generally be recognized leaders within the neighborhood. Convince them of your proposal and ask them to join you in your efforts. They can begin the process of clarifying the project to other residents of the neighborhood.
2. Join with parent leaders in explaining and seeking approval of the project from Parent-Teacher Associations and any other recognized community groups.

Back your proposal up with Parent, Teacher, and Student surveys. Clarify the program to each of these groups asking them to make their own needs assessment of the school and neighborhood.

1. This can be done by setting up some simple questionaires related to the proposal.

Initiate formal communication with the agencies on the nature of your proposal.

1. Send out invitations for a general meeting of your neighborhood supporters - educators and residents - and representatives from the major and minor agencies in the community. Purpose will be to explain and discuss the proposal.

2. Seek approval from the agencies and begin building the Project's Support System by asking for specific written committments from each agency. In other words, each agency should indicate what kind of assistance they can offer to the program. They can do this in the form of a formal written letter.
3. Individual meetings should be held with Directors of the major agencies - Probation, Social Service, Police, Health, etc. to see if arrangements could be worked out to house representatives from their respective agencies under the roof of the school.

An Interagency arrangement could mean thousands of dollars of extra services to the school. Therefore school administrators should do everything in their power to make adequate office space available.

1. The closer they are located to the counseling dept. the better. This encourages informal dialogue, as well as staffing on certain cases.

Administrators should appoint or hire a special counselor to coordinate the project.

1. The counselor should be freed not only to coordinate the Team, but to work with hard-core Crisis students and to develop parent and teacher training courses.
2. The counselor in charge has an on-going function of identifying and involving community resources for the school and its students.
3. The person selected should be resourceful, capable and with much experience in working with young people.

A neighborhood Advisory Board should be set-up to insure continual communityin-put and support.

The final step will be up to the coordinator and the team to develop their strategies for working together.

1. A summer workshop shoulc be conducted in order to make preparations for the school year. Such items as identifying crisis students, methods of referrals, areas of concern, record keeping, meetings, staffing in-service programs all have to be discussed and procedures established.

RESPONSE SURVEY

Once you have reached an organizational level where you are prepared to explain your program to different community groups - parents, teachers, community leaders, and agency personnel, it will be important to measure their response. This can be done by setting up a simple Yes-No questionaire relating to the schools and the agencies. In order to get an idea of who your listeners represent and also for the purpose of future discussions and action on the proposal, request their names, organizations represented and their business phones.

The following is a suggested questionaire:

Name ______________________________
Organization Represented ______________________________
Business Phone ______________________________

YES NO

___ ___ 1. Do you see the value of an Interagency Team Approach?

___ ___ 2. Do you understand why the school might be a logical coordinator for Interagency efforts?

___ ___ 3. Would you say that under the present system the school does have all the tools at its command to handle the multitude of problems that are carried onto the campus which have nothing to do with the Academic?

___ ___ 4. Would you say that the schools need a support system of trained professionals capable of handling the non-academic problems that prevent a healthy environment on the campus?

___ ___ 5. Do you feel that we can bend our traditional structure sufficiently to establish a better coordinated system at the neighborhood level?

___ ___ 6. Do you see the establishment of Interagency Teams at the neighborhood level as a possible solution for upgrading the neighborhoods?

___ ___ 7. Do you feel that a decentralized human service system operating at the neighborhood level through an Interagency Team Approach would increase its accountability?

YES NO

—— —— 8. Do you see tight, coordinated teamwork between educators and human service professionals as an important factor in improving educational conditions on campus?

—— —— 9. Would you care to be involved in further discussions on this subject?

10. Any furuher comments......

FACTORS INVOLVED IN PROGRAM'S PROGRESS

Based on our own experience we can tell you that program progress will be relative to a number of factors: (1) Have you done your homework (2) Do you have good administrative support and staff members willing to work for you (3) What is the attitude of the agencies (4) Have you made a real effort to gain working support from the parents (5) Have you gained support of certain policy-makers in the neighborhood, such as PTA's and Education Boards? You may suffer some frustations the first year because your answers to those questions may not be quite as clearly positive as you would like them to be. On the one hand, you may have an abundance of parental support, but on the other hand your own colleagues may be lacking in enthusiasm or even downright skeptical. Or you may find that only one or two major agencies cooperated in supplying a team member.

Relax, those are common conditions. That is why you have to have a strong belief in and knowledge of the Interagency Concept. It took us 1-1/2 years to persuade the Probation Department of the value of having one man working out of the school. Prior to that time there were as many as 12 probation officers passing in and out of the school with very little communication with anybody. On the other hand, we were able to get a Social worker. We had strong administrative support, but not a great deal of outward staff support. Staff support comes as awareness level increases. Staff is fully supportive of the program now. One of our greatest strengths came from a small group of parents. Their work and dedication helped us, not only to gain full community support, but to get funding for a Learning Center as well as 24-hour services for adolescents.

In the end you will find that if you are persistent in your efforts the strength of the program will grow. It has to, because it not only has the support of sound organizational techniques behind it, it has an attraction for the people. The present system is too large and cumbersome in their eyes. Neighborhood services put things on a more personal level. Top administrative personnel at the District level see things in dollar signs and if professional services can be added to the school at no cost to the District, you will not only have their blessing, but their encouragement as well. Furthermore, you may rest secure in knowing that three influential State Associations are promoting this concept - The California School Boards Association, The State Attorney General's Office, and The State PTA Association.

HOW IT OPERATES

I. Sample of Component Activities
II. Graphic Presentation
III. Case Study

COMPONENT ACTIVITIES

Component No. 1: Summer Workshop - Advance Preparation for the Crisis Program

- a. Meet with all involved staff members. Review and discuss the objectives of the program.
- b. Come to terms on the procedures for accountability, responsibilities, dates, and methods.
- c. Prepare a written record of the results of the discussions - conclusions reached and agreements made.
- d. Study the facilities available for the Crisis program and submit a list of necessary items to make the program operational.

Component No. 2: Agency Support System (Summer)

- a. Come to an understanding with regard to the role that each member plays in relation to the program.
- b. Set up a detailed calender of events for the year clearly defining the daily activities of the team.
- c. Begin a detailed study of the Yerba Buena school area. Utilize agencies with vital information concerning this area.
- d. Come to an agreement on office procedures in terms of records, methods, etc.
- e. Set up individual appointments with the representatives of agencies committed to the program.

Component No. 3: Diagnostic and Motivational Counseling

- a. Make identifications of crisis-prone students coming from the feeder schools as well as those already at Yerba Buena. Investigate records, disciplinary, attendance, confidential papers, etc.
- b. Visit selected families considered to have crisis-prone children at Yerba Buena.
- c. Arrange individual counseling sessions with crisis students.
- d. Discuss goals and objectives for the school year.
- e. Recommend and make preparations for psycho-educational work-ups for those students in need of special help.

f. Recommend to Social Worker, families of project students who are in need of special services.
g. Set up dates for periodic meetings with consultants from Stanford Medical Center and East Side Union High School District.

Component No. 4: Educational Prescriptions

a. Collect data from cum folders, family background and teacher observations.
b. Make assessment of student's aptitude, profile and setting of his environment.
c. Recommend alternatives for the student himself, including special activities.
d. Recommend additions to or modifications of learning environments that affect the student's profile.
e. Develop forms and procedures that will bring out the patterns so that they are clear to teachers and counselors, and can be recognized with help by the student and his parents.
f. Implement prescriptions through special placement and follow-up.
g. Provide materials for in-service training in order that the faculty will become more aware in "social learning techniques".
h. Follow up counseling to provide info and feedback for the student and his parents.

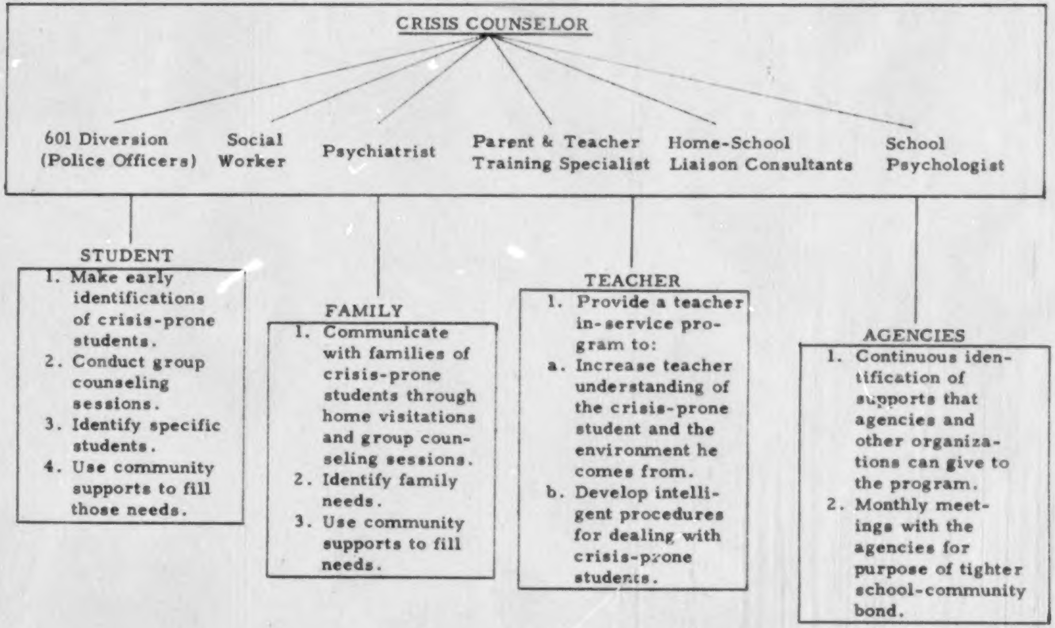
Component No. 5: Parent Training

a. Take early survey to determine how many Yerba Buena Parents would attend a parent effectiveness course.
b. In connection with counselor home visitations explain course to project parents and take all sign-ups.
c. Determine date and location for conducting parent effectiveness training.
d. Expain and discuss the objectives of the Crisis Program.
e. Assess the child-rearing frustrations of the parents participating in the course.
f. Discuss the methods of dealing with these frustrations.
g. Explain and discuss negative ways parents affect their children.
h. Explain and discuss positive ways parents affect their children.
i. Utilize discussion, lectures, case studies, and visual aides.

Component No. 6: Teacher In-Service Program

a. Explain and discuss the primary objectives of the Crisis Program.
b. Explain and discuss the function of the Crisis Counselor in the program.
c. Explain and duscuss the various functions of all the members on the Interagency Team.
d. Discuss the role of the teacher in the program.
e. Give a presentation of social learning and behavior modification models.
f. Review and discuss special materials and related case studies in small groups.
g. Review prescriptions in behavior Mod terms.
h. Present case study method in brief.
i. Prepare teacher observation form.

CRISIS TEAM AND RESPONSIBILITIES


CRISIS COUNSELOR
601 Diversion (Police Officers)
Social Worker
Psychiatrist
Parent & Teacher Training Specialist
Home-School Liaison Consultants
School Psychologist

STUDENT

1. Make early identifications of crisis-prone students.
2. Conduct group counseling sessions.
3. Identify specific students.
4. Use community supports to fill those needs.

FAMILY

1. Communicate with families of crisis-prone students through home visitations and group counseling sessions.
2. Identify family needs.
3. Use community supports to fill needs.

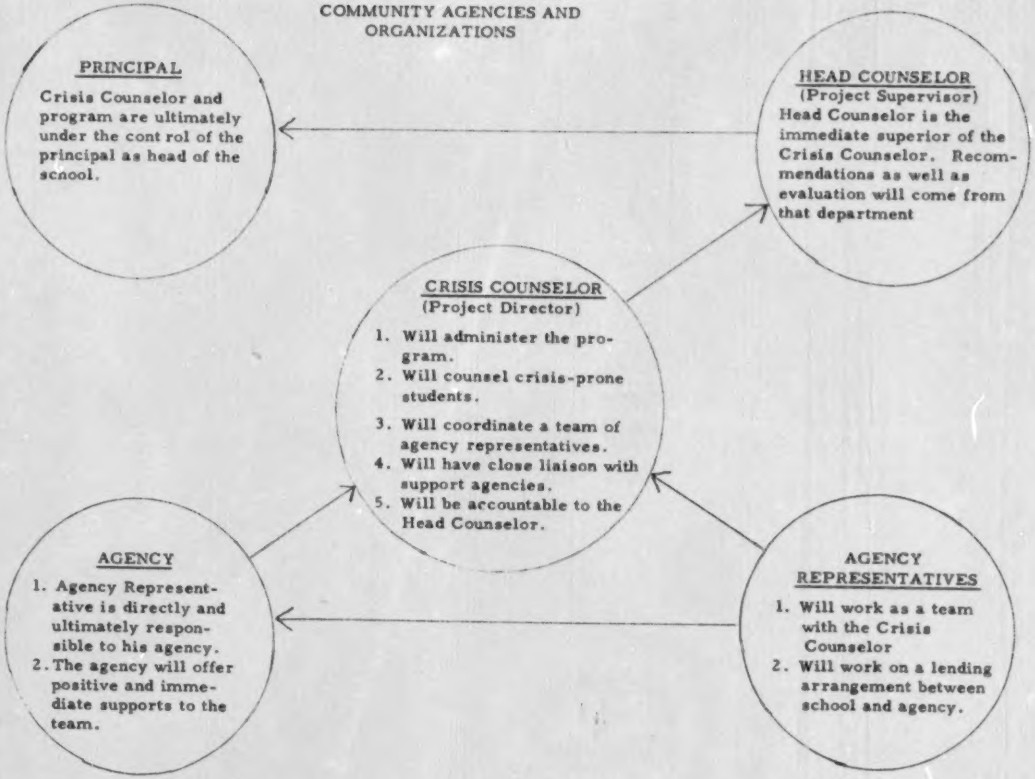
TEACHER

1. Provide a teacher in-service program to:
   a. Increase teacher understanding of the crisis-prone student and the environment he comes from.
   b. Develop intelligent procedures for dealing with crisis-prone students.

AGENCIES

1. Continuous identification of supports that agencies and other organizations can give to the program.
2. Monthly meetings with the agencies for purpose of tighter school-community bond.

COMMUNITY AGENCIES AND ORGANIZATIONS



PRINCIPAL

Crisis Counselor and program are ultimately under the control of the principal as head of the school.

HEAD COUNSELOR
(Project Supervisor)

Head Counselor is the immediate superior of the Crisis Counselor. Recommendations as well as evaluation will come from that department

CRISIS COUNSELOR
(Project Director)

1. Will administer the program.
2. Will counsel crisis-prone students.
3. Will coordinate a team of agency representatives.
4. Will have close liaison with support agencies.
5. Will be accountable to the Head Counselor.

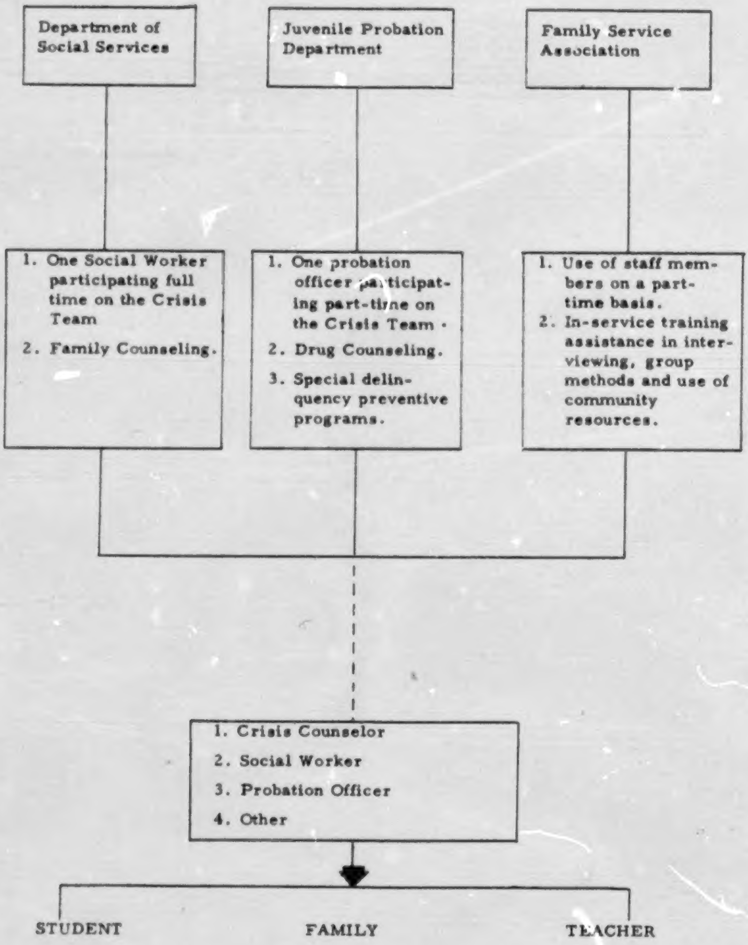
AGENCY

1. Agency Representative is directly and ultimately responsible to his agency.
2. The agency will offer positive and immediate supports to the team.

AGENCY REPRESENTATIVES

1. Will work as a team with the Crisis Counselor
2. Will work on a lending arrangement between school and agency.

AGENCY SUPPORT SYSTEM



Department of Social Services

1. One Social Worker participating full time on the Crisis Team
2. Family Counseling.

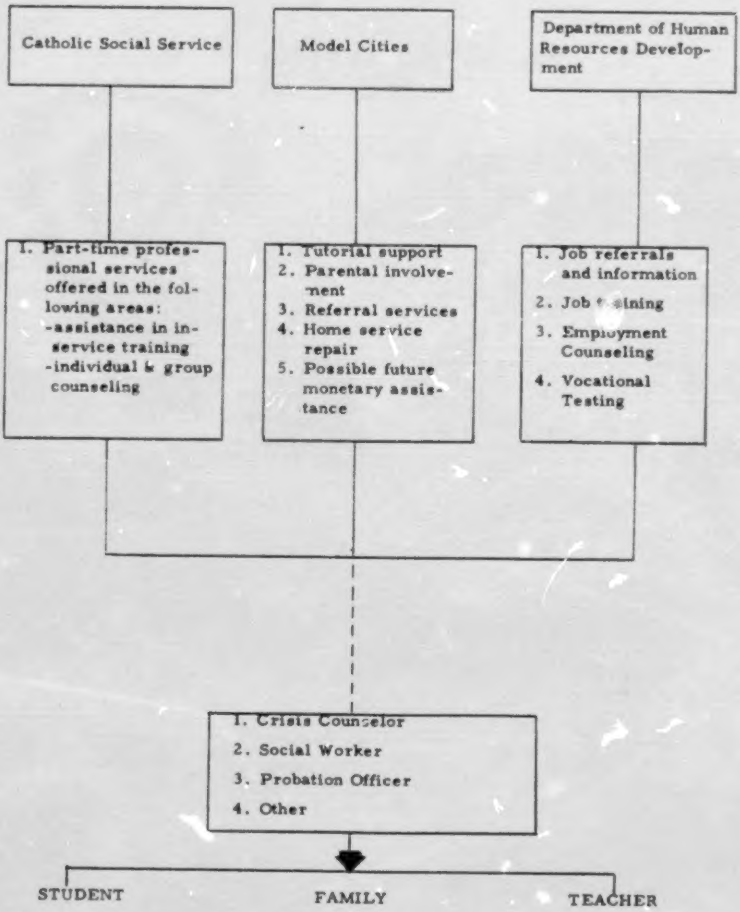
Juvenile Probation Department

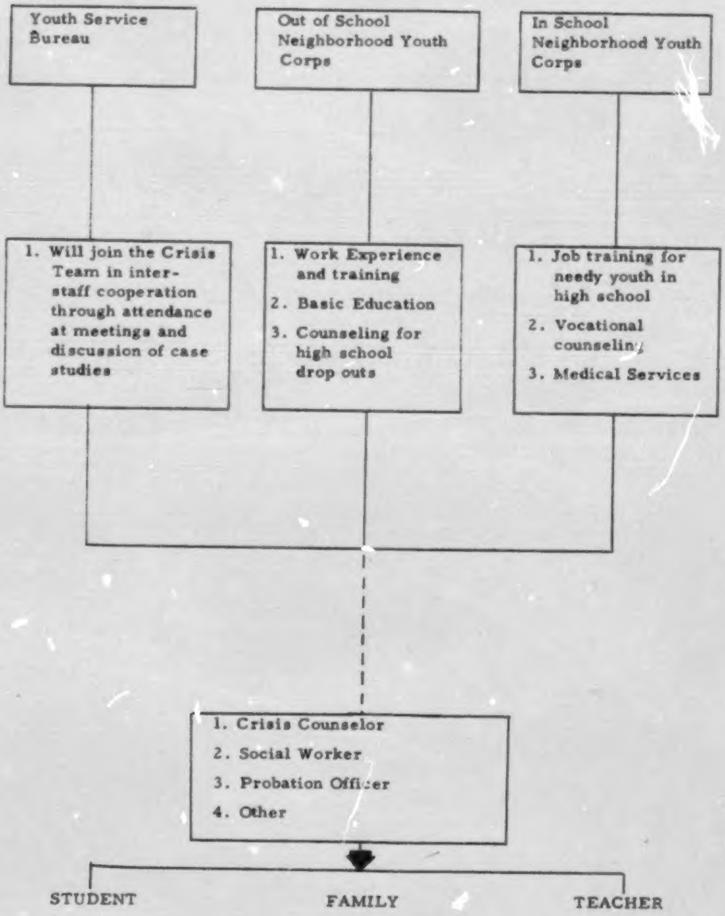
1. One probation officer participating part-time on the Crisis Team.
2. Drug Counseling.
3. Special delinquency preventive programs.

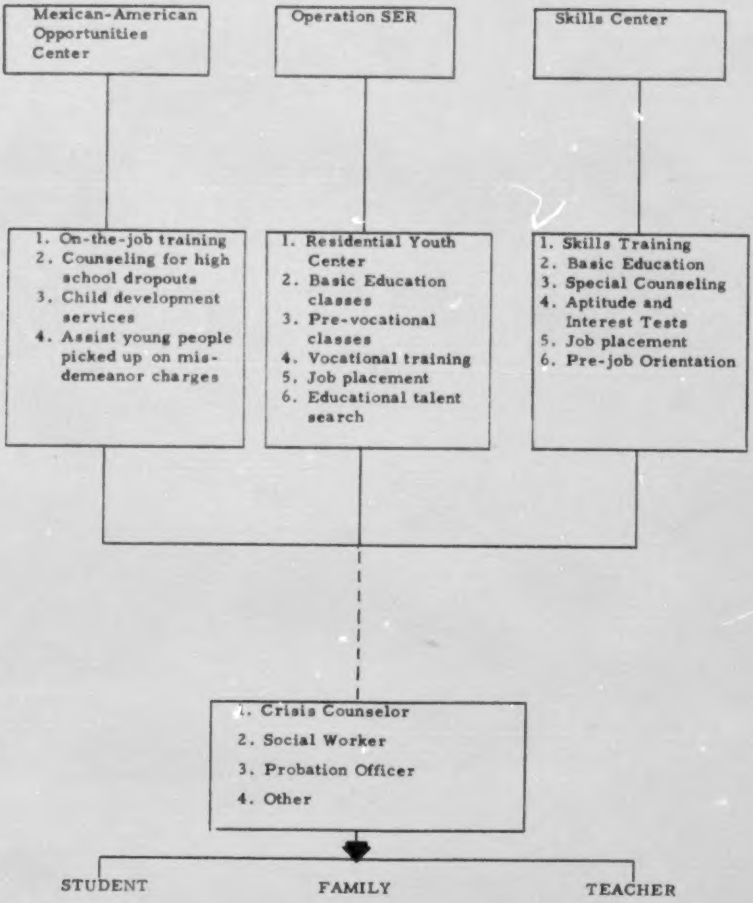
Family Service Association

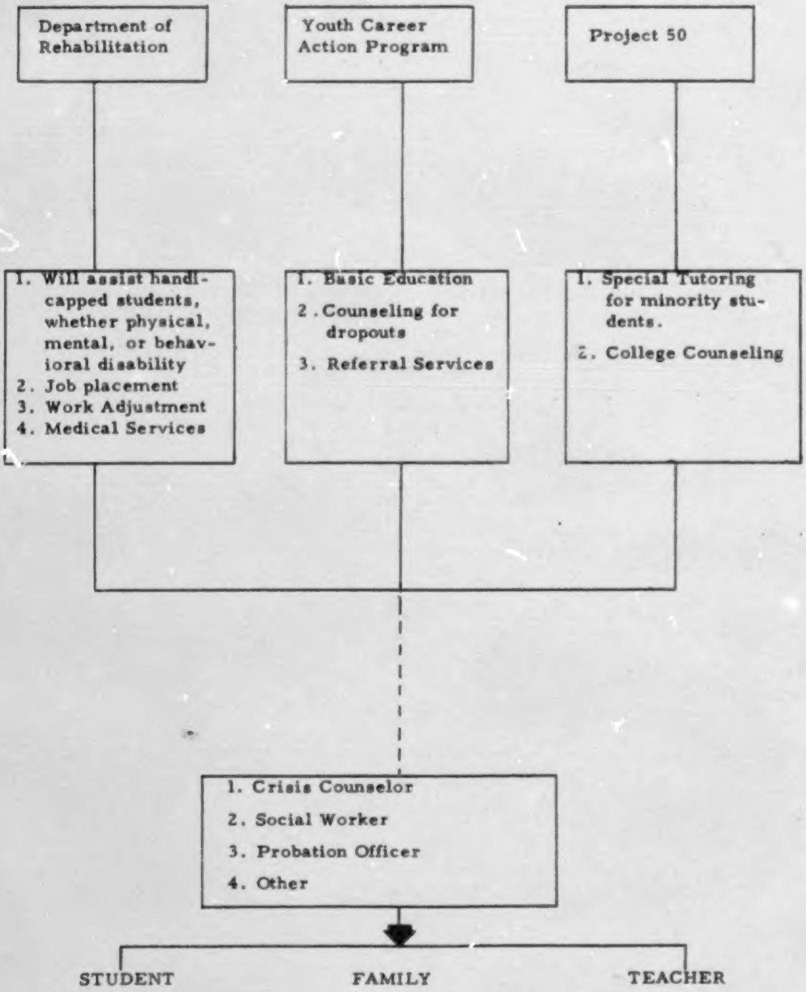
1. Use of staff members on a part-time basis.
2. In-service training assistance in interviewing, group methods and use of community resources.

1. Crisis Counselor
2. Social Worker
3. Probation Officer
4. Other


Catholic Social Service
Model Cities
Department of Human Resources Development
1. Part-time professional services offered in the following areas:
-assistance in in-service training
-individual & group counseling
1. Tutorial support
2. Parental involvement
3. Referral services
4. Home service repair
5. Possible future monetary assistance
1. Job referrals and information
2. Job training
3. Employment Counseling
4. Vocational Testing
1. Crisis Counselor
2. Social Worker
3. Probation Officer
4. Other
STUDENT
FAMILY
TEACHER


Youth Service Bureau
Out of School Neighborhood Youth Corps
In School Neighborhood Youth Corps
1. Will join the Crisis Team in inter-staff cooperation through attendance at meetings and discussion of case studies
1. Work Experience and training
2. Basic Education
3. Counseling for high school drop outs
1. Job training for needy youth in high school
2. Vocational counseling
3. Medical Services
1. Crisis Counselor
2. Social Worker
3. Probation Officer
4. Other
STUDENT
FAMILY
TEACHER


Mexican-American Opportunities Center
Operation SER
Skills Center
1. On-the-job training
2. Counseling for high school dropouts
3. Child development services
4. Assist young people picked up on misdemeanor charges
1. Residential Youth Center
2. Basic Education classes
3. Pre-vocational classes
4. Vocational training
5. Job placement
6. Educational talent search
1. Skills Training
2. Basic Education
3. Special Counseling
4. Aptitude and Interest Tests
5. Job placement
6. Pre-job Orientation
1. Crisis Counselor
2. Social Worker
3. Probation Officer
4. Other
STUDENT
FAMILY
TEACHER


Department of Rehabilitation
Youth Career Action Program
Project 50
1. Will assist handicapped students, whether physical, mental, or behavioral disability
2. Job placement
3. Work Adjustment
4. Medical Services
1. Basic Education
2. Counseling for dropouts
3. Referral Services
1. Special Tutoring for minority students.
2. College Counseling
1. Crisis Counselor
2. Social Worker
3. Probation Officer
4. Other
STUDENT
FAMILY
TEACHER

A CASE STUDY

The Yerba Buena Strategy can probably best be explained through a case study. We will call the boy "Mike". The young man happened to be a freshman. An early identification was made. A pattern established itself -- constant fighting, excessive talking and disruption in the classroom. There was also a speech problem. He was assigned to the Crisis Counselor. In an effort to get a deeper insight into the problem, the Crisis Counselor visited both his parents and the former school he had attended. He discovered that there was a serious control problem at home with the parents even experiencing fear of harm from their own son. He also discovered from the student's 8th grade principal and school psychologist that Mike was diagnosed as hyperactive and was put on tranquilizers. With this and other pertinent information, he began to work with Mike. In the initial counseling sessions he made quite clear the limits the young man would have to accept during his four year stay at Yerba Buena High School. The boy resented it. He demanded a new counselor, but no change was made. Staffing around Mike's case was conducted, as is the practice in many other hard-core crisis cases. The Crisis Team, Counseling Staff, Administration and involved teachers all were united in the strategy being devised for handling Mike's case.

The first member of the Interagency Team to concentrate on the home problem was the team psychiatrist. He had a number of sessions with the student and his family. This permitted a search for and discussion of the problems in their interrelationships. The parents themselves were later involved in parent-child training sessions at the school. They joined a group of parents who were having similar problems with their children. A Parent Training Specialist listened to them and helped them construct a plan for setting realistic limitations for their children. The objective is to help restore parental authority to those who have lost it and to effect a better balance for parents who are too rigid. The Team's Social Worker visited Mike's home to see if he could be of some assistance. He discovered that there were some financial problems, so he did what he could to advise and assist them.

In order to improve the school situation for Mike, a tutor from General Electric was asked to work with him on his speech and reading skills. The tutor turned out to be a strong social model for him. A training program was also set-up for several of Mike's teachers so as to improve their skills in working with students like Mike. The Crisis Counselor, a successful teacher for 14 years, conducted the sessions. Emphasis was put on the importance of structure, consistency, and the setting of realistic limitations in their classes.

The Yerba Buena Strategy, then, is to bring the collective strength of the system into a workable arrangement where a unity can be achieved in resolving the critical problems of young people. Parent Education, Teacher Education, and Interagency Teamwork has made this young man's life a little brighter and his chances for academic success a greater certainty. He entered the Crisis Counseling Project as a freshman in the Fall of 1972. By the 4th Quarter of his first year there were noticeable improvements. He seemed calmer and more in control. His speech had even improved. His parents became more involved with their son and his school. He not only began to invest in the school system, he began to enjoy it as well. His attendance and G.P.A. improved dramatically. By Fall 1973 Semester his G.P.A. went up to a 2.6 from a .8 in the prior school year. He was absent a total of 36 days in the prior Spring Semester, but missed only 5 days in the Fall semester of his Sophomore year. His disciplinary referrals were reduced from 5 in the Spring of his Freshman year to 0 the following Semester.

SPIN-OFFS FROM THE CRISIS COUNSELING PROJECT

I. The Learning Center

II. The 24-Hour Services for Adolescents

THE LEARNING CENTER

The Learning Center is one part of an early crisis identification component that is geared to reaching potential critical cases at the 6th, 7th, and 8th grade levels. Evidence is clear that low achievers are potential crisis cases during their high school years. The Yerba Buena strategy, then, is to intervene before these young people reach high school by setting up a mechanism for cooperating with the feeder schools in carrying out a joint effort to concentrate on improving self-image and raising reading and math levels.

The mechanism, or Learning Center, has become an integral part of the curriculum at Yerba Buena High School. It is an important arm of the Yerba Buena Crisis Counseling Project. Through coordination with the feeder schools, as they are called, the students are transported to Yerba Buena High School for 2-1/2 hour sessions each day to receive intensive instruction in reading and mathematics.

Each student is assigned a model high school student who acts as his special tutor. When the grade school student has reached a normal level in reading and mathematics, he is phased out of the program.

For the past two years the program has worked out successfully. Reading and Math levels have improved to such an extent that many students who participated have entered and are entering Yerba Buena with normal reading and math levels. An added value of this approach is that the student, before he enters Yerba Buena High School develops a loyalty and respect for the school which he will soon be attending full time. Because the parents appreciate this service, the high school gains their loyalty and respect as well.

24-HOUR CENTER

The purpose of this project is to develop a new alliance between professionals from the community human service system and school professionals in order to facilitate, improve and speed-up relief to adolescents and their families in crisis.

To initiate this alliance professionals representing the Departments of Social Service and Mental Health will be hired to work out of the Yerba Buena High School Crisis Center to form a fully operational Interagency Team and to carry on the closest possible collaboration with the educator so that together they can achieve the following:

1. Provide professional counseling on a twenty-four hour basis to the adolescent and his family in crisis
2. Prevent new or recurring crisis situations.
3. Increase the use of community based resources.
4. Promote coordination of existing related services.

Because of the alliance it will be possible to build the following components into the program thus making it also possible to achieve the four goals listed above:

Component No. 1: Crisis Intervention

School facilities will be used for counseling and answering services. Answering services will be provided through a twenty-four hour period and on weekends and holidays. Information service available through the school will be a valuable asset in intercepting and more fully understanding adolescent crisis situations. Counselors, administrators and teachers, because of their daily contact with youth will be one of the major referral sources. The Center will be an immediate resource for referrals during evening hours, weekends and holidays coming from such agencies as the police department and 601 Diversion. Twenty-four hour crisis intervention will be provided by licensed clinical social workers and psychologists trained in crisis intervention techniques. A mobile unit will also be available to the Crisis Center through a previously arranged agreement with San Jose City College.

Component No. 2: Crisis Prevention and Follow-up Services

Through the utilization of school facilities the Crisis Center Staff will involve the adolescent and his family in individual, group or family therapy. These sessions will run into the evening . If appropriate, referrals will be made to other community agencies. In the case of the adolescent, the crisis specialist and school counselor will work closely together to design the best possible school situation for him.

Component No. 3: Temporary Out-of-Home Placement

Immediate temporary foster home placement of the adolescent will be provided through the use of foster homes recruited and certified by the County Social Services Department. Services would be provided by a social worker representing the Department of Social Services and hired to place the adolescent in temporary out-of-home placement. He would also counsel the adolescent and his family and seek to resolve family conflicts. The worker would develop a working plan for on-going services, either at the Crisis Intervention Center or other agencies, with the ultimate goal being to return the adolescent to his home as promptly as possible.

Component No. 4: Temporary Supportive In-Home Services

Supportive in-home service would be provided by community workers available for home visitations during day or evening hours. These workers would provide reach-out services and would help in resolving environmental problems of the family in crisis.

Component No. 5: Teacher In-Service Training

Teachers are a valuable asset in identifying potential or active crisis cases. They also have the potential to deal with those cases and at the same time create a better learning environment for them. By working with teachers through either consultation or in-service training, the possibilities of school staff intervening at the right point or preventing crisis altogether are greatly enhanced.

Component No. 6: Family Education

Research and practical experience make it very clear that the seeds of most adolescent crises can be traced back to the family and the relationships that existed between its members. It would seem obvious, then, that any crisis center dealing with the adolescent must also deal with his family. We have therefore, included this component in our proposal. It is presently in operation through the Yerba Buena Crisis Center, and with the support of San Jose City College, San Jose State University and the East Valley Mental Health Department it will be open to the public and expanded to include a variety of family education courses.

All of the components explained above are essential to a total approach to twenty-four hour crisis intervention services for adolescents. The end result of this kind of approach must be an operational model designed to achieve excellence in professional performance and cooperation in reducing critical problems that hindor social as well as academic growth.

SPECIALIZED ARTICLES

I. Management in a Team Structure
by John Sellarole
and Jerry Mullins

II. Involving Parents and Community
by Iola Williams

III. Parent Education
by Vivian Barry
and Jerry Powell

IV. The Social Worker and the Team
by Rich DiVita

MANAGEMENT IN A TEAM STRUCTURE

Benefits of a Management Team

Internal school management is of crucial importance in establishing an interagency team project. The responsibility for encouraging professional staff development lies with the school's principal. The principal must possess the energy and competence to build, facilitate, and direct an organizational framework based on team decisions and team goals.

The team work encourages unity and consistency. Instead of working in a vaccum, professionals influence and communicate with other professionals. A weak team member is supported by other professionals and has the opportunity to develop strengths. The team approach fosters a trust and respect that does not often exist in the traditional structure.

The impact of a faculty team is felt by students and by the overall educational program. Consistency in handling students is established. Decisions are made in conjunction with team input, not by each individual staff member or principal alone.

The Little Red Schoolhouse Syndrome

Schools that are still operating with the "Little Red Schoolhouse Syndrome" will have to change to become team operations. The strength of the "Little Red Schoolhouse" system rests dangerously on the shoulder of one person and the cult of personality is too strong. Knowingly or unknowingly, principals can choke-off or seriously hinder professional itiative and creativity that could put vitality in school-community relations, staff development, and curriculum improvement. In the "one-manager" system the professional potential of the staff at the lower level rests stagnant. Academic and social illnesses are submerged, communication is not open, honest and consistent. There is no mechanism for change.

Decentralized Administration

By decentralizing administrative staff in order to communicate more fully with all segments of the campus, professional development is encouraged. A major part of that development comes through professional dialogue with one another.

The team structure created a need for frequent staff meetings to keep on top of the problems. When there are no immediate problems it provides the opportunity to discuss long range goals and is open to brainstorming. It keeps creativity and hope alive, and offers a mechanism for encouraging constructive change.

Resource people should be available for continuous professional assistance to teachers and counselors. This can be in the form of university extension courses conducted under the roof of the school itself, or it may come in the form of qualified consultants to help staff performance.

The important thing is that the school experiences a forward motion. There should be a uniform movement toward common goals, an awareness and use of the mechanisms established at the school for professional growth. Consistency is important. It cannot be an "on-again, off-again" thing.

INVOLVING PARENTS AND COMMUNITY IN AN INTER-AGENCY PROGRAM

In order for a program of inter-agency cooperation to be successful, community trust must be established to the point that success of the program is not delayed by misinterpretation of the aim of the school, organization, or agencies involved. It must be clear to the community that the school is interested only in helping the student solve problems that prevent him from reaching his fullest potential.

All departments (teaching, counseling, discipline administration and support) as a team, each member doing his part to convey the message WE CARE.

Parent participation in Yerba Buena High School takes several usual forms:

1. Parent-Teacher-Student Association
2. Parent Advisory Group
3. Band Booster
4. Athletic Booster
5. District Parent Advisory Group
6. Superintendent's Advisory Board
7. Superintendent's Coordinating Council

Most schools have these traditional methods of parental participation and realize that these do not always provide the contact needed to establish trust.

Some attempts to become accountable to the community it serves and establish the relationships needed to bridge the communication gap between Yerba Buena and its community are outlined below:

1. When establishing the goals and objectives of Yerba Buena High School, an administrator, teacher, and a parent committee met in homes of parents throughout the attendance area for input.
2. Counselors, Title 1 Coordinator and Liaisons met in various areas of attendance boundaries to discuss with parents over coffee, any problems, concerns or suggestions about school and students. These coffees were set up by parents who invited other parents from the neighborhood in for discussion. These parents were extended invitations and were conducted on tours of the facility visiting classes.

3. Parents participate in surveys on a variety of subjects. One telephone survey was conducted by parents of the feeder junior high school's PTA. This survey of parents was done to establish feasibility of parent-effectiveness classes - 300 parents were surveyed. 298 parents stated they would attend classes.

WORKING WITH PARENTS TO HELP STUDENTS MANAGE THEMSELVES BETTER

Neither school personnel, community agencies nor parents can single-handedly alter behavior patterns in students that have been reinforced for years by both the parents and the school staff. Only by working together in a consistent manner can the two groups effectively combine to teach students new behaviou modes that will permit them to learn efficiently and achieve social significance in a positive manner.

Behavior is learned - it is a person's response to the situations he encounters as he explores his environment. Each person seeks social significance. If his experience teaches him that he cannot achieve significance by positive behavior, he will seek to achieve it with negative behavior. During the first years of a child's life he learns from his parents and siblings what types of behavior will be rewarded with attention, praise, or punishment. He is constantly either encouraged or discouraged by those around him as he attempts new tasks.

The behavior patterns that disturb teachers or are later branded delinquent are merely extensions of those learned at home. Many of these patterns work "successfully" (i.e., the child gets what he wants) at home or on the streets, but are maladaptive at school or in task situations.

Parents can be helped to change their attitudes and assist their children to build new, more adaptive behavior patterns through group counseling sessions. The Yerba Buena Crisis Counseling Program offers weekly parent training sessions for all who are interested. Some parents come for just one session, but many attend for three to six months and return occasionally thereafter for reinforcement. The task of the group is to identify the true causes of conflict in the family and to help the parent become aware of his true feelings toward the child - the feelings that may be interfering with his being meaningful in teaching the child. The purpose of the group is never to make the parent feel guilty or discouraged. Every parent is doing some things right and the group must recognize his desire to be a good parent and reinforce it, even as it attempts to suggest new ways of looking at the situation.

Experience at Yerba Buena has shown that the simple fact of a parent's participation in such a group can cause changes in a student's attitude. The student is aware that parents and school staff are now communicating directly, and that he can no longer manipulate the situation. He is often, though not always, pleased with this sign of parental interest and concern.

Parents who are attempting to set new limits for their children as a result of their group training sessions need constant support as the child acts to test those limits. No parent should be urged to try to change the home situation until he or she is ready to do so. Only when the parent's attitude toward the child changes will a change in his behavior be effective. Children recognize conviction as quickly as they sense its lack.

Many parent complaints about their children's behavior are actually symptoms of convlict between parents. When father is stern, mother may be extremely permissive to compensate. When mother expects "too much," father may take the indulgent role. One parent may protect a child from being asked to do tasks because he really feels the other parent should be doing them. For instance, the father who objects to his wife's working may support his daughter in her refusal to wash the dishes because it annoys him to see his wife lying on the couch after dinner. A mother may support her son's fairure to assume responsibility for chores or school work because she resents his father's frequent absences. Clarification of the real conflict may shift the family's energies to areas which may be remediated rather than focusing them on the symptoms of the disorder. When symptoms are dealt with rather than the basic disorder, new ones quickly replace them.

When one or both parents feel sorry for a child, they may handicap his development. Neither parents nor teachers can be meaningful to someone for whom they feel pity. A parent who feels sorry canno discipline his child effectively. He will constantly tend to spoil the child and protect him from the consequences of his actions. Such a pattern may occur when a child has been ill, when he is seen as handicapped or less favored, or when a parent feels guilty for being unable to provide the child with something - love, a father, material goods, toys, a stable home situation. Little does the parent realize that he is further depriving the child by his pity.

Through discussions guided by the Crisis Counselor, parents come to recognize the feelings that are interfering with their effectiveness. As their attitudes change, so do the lives of their children. Parents are encouraged to hold their children accountable and responsible. At the same time, parents are helped to recognize the ineffectiveness of punishment as a learning device. They are urged to permit logical, natural consequences to take place and to remain clear of continuous verbal arguments, threats, and exhortations.

The student himself is quick to take note of changes in parental attitudes, and may often be grateful for the clarification of the parents' positions. Students, like everyone else, need to know where they stand.

Parents are encouraged to be less concerned about whether their children will "love" them or not. Parents often feel that if their children loved them they would behave, do better in school, do household chores, etc. In truth, there is little relation between a child's behavior and whether he ''loves'' the parent or not. Some children control their parents with an ''I won't love you'' message that prevents parents from taking action or expecting fulfillment of obligations. A child may not love a parent he cannot respect. He cannot respect a parent he can manipulate.

Parent groups have proven to be one way to strengthen family relationships in ways that help a student manage himself better. They are effective when they are led by trained personnel, offer a consistent message, and clarify both the home and the school situation.

With the conclusion of the first semester of the project, I feel that we have made some significant steps to close communication gaps that have existed by recognizing that student misbehavior is often symptomatic of a problem in the home, the community or even in the school. I am involved with 19 families in different modes of service. I am involved with seven other social workers acting as liaison for the Yerba Buena student in their caseload. The significant contacts I have had with students not represented in a caseload are at least double the number of cases. I believe the project is accomplishing more than it set out to accomplish. Hopefully this example of agency cooperation will be an example for other schools to follow.

THE SOCIAL WORKER AND THE INTERAGENCY TEAM CONCEPT

The function of a social worker is "...to be an educator" writes Charles Silberman in his book Crisis in the Classroom; but he hastens to add that there is a disturbing conflict among social workers as to the direction which the profession should take. As a social worker attached to the communication Counselor Project at Yerba Buena High School, I am of the conviction that such a project both challenges the profession's expertise as well as demand that social work direct itself to become involved in such relevant areas of concern. These areas of which this project, I feel, is an opportunity to develop full cooperation and interaction among agencies such as the school and the Department of Social Services, thereby reducing a great deal of reduplication. Finally, it offers the opportunity to utilize the four major areas of social work knowledge. Thus in my capacity as a social worker within the Communication Counselor Project, I have been called upon to exercise a working knowledge of:

1. Individual problem solving
2. Group direction and family counseling
3. Community resources and their development
4. Program planning and ways in which to redirect the services which I can provide to meet the changing goals of the project as warranted by the individual and families where the project serves.

The main thrust of my work as the social worker assigned to the Communication Counselor Project has been to receive "crisis referrals" involving students or their families, to evaluate the crisis or the request for assistance and then to intervene, where necessary and appropriate, with specific services that are suited to meet those needs that have arisen in the context of the crisis, be they material, emotional or environmental. Whith the range of referrals that have come to me I have found that they necessitate the ability to assume a variety of roles. Some have required that I play a supportive role as has frequently occurred in problems requiring individual or family counseling or therapy. Some have required a "broker" or liaison role as in instances where the solution to a problem requires a "go-between" to line up certain resources or services. Other referrals mandate an "ombudsman" position where the representation of the student or his family is necessary to resolve a grievence or to insure prompt and legitimate delivery of goods and/or services from a host of community agencies and institutions.

In the context of these roles I have contacted students or their families referred to me by the project counselor and established a service agreement based upon mutual consent and participation in the service plan. Where the family already has the service of a social worker from the Department of Social Services, I assume the role of informational backup or liaison with the school and Social Services.

Due to the high rate of unemployment, the extremely low economic level and other related characteristics that go together to comprise the Yerba Buena High School District, "crises" often tend to involve a need for basic material items which deeply affect an individual or family's survival, physically as well as emotionally. Thus much of my intervention has followed a pattern of primarily helping a family locate or obtain such things as public assistance, food stamps or actual food delivery, clothing and other necessary household items and appliances. In one family where the daughter was continually absent from school, the family had not a single lamp for the children to study by after dark. Another family had been living for weeks without a refrigerator or washing machine. In both instances the problem was resolved through a combination of the following methods;

1. Reliance on family strengths and initiative.
2. Reliance on existing community resources.
3. Petition for administrative or supplemental assistance through the County Department of Social Services.

Needless to say, in these many examples which I have encountered of extreme material and financial deprivation, there were accompanying high degrees of stress and often severe emotional illness within the family.

Acting in the role of supportive counselor often took the form of regular weekly appointments in order to deal with emotional problems over a period of weeks or months. With some problems that were particularly complex or deep rooted a decision was made to refer to a psychiatrist or a specialized agency.

Through my contact with students who were experiencing problems, I had occasion to come in contact with other young people - some even unknown to the school, although they were living within the school boundaries. In some of these cases I was able to form relationships to the point where I was allowed to establish a line of communication between the project office and these young persons with the result that they voluntarily agreed to enroll in the school. To insure continued communication I have formed these students into a discussion group.

Together with Jerry Powell, Communication Counselor, I have worked on developing and defining resources with which the project can provide its students and their families the assistance, direction and support they are requesting. I also have the opportunity to represent the interests of the students and families I am serving by expressing my feelings and observations at regular meetings with the school administration and in developing programs in the school in conjunction with the school health clerk and liaison. Recently an In-Service Institute was conducted by the project members in which I directed part of the discussion to the role of the social worker and the recognition and handling of crises.

THE YERBA BUENA CRISIS COUNSELING PROJECT
WORKSHOP REQUEST FORM

The Yerba Buena Interagency Team is available for consultation services on all aspects of the project or on single program components. If you are interested in any of the following types of workshops, please check the one that most suits your needs.

CHECK

____ Awareness Level Presentations (1 Hour)

____ Mini Workshops (2-4 Hours)

____ Maxi Workshops (12 Hours or more)
College Credit Available

School Requesting Workshop ____________________
Address ______________ City ________ Zip ________
Suggested Date for Workshop ____________________
Person Coordinating ____________________
How Many Will Participate ____________________
Who Will Participate ____________________
Who Has Authorized the Workshop? Principal ____
Superintendent ____ Board ____ Other ____
If "Other," please indicate whom.

So that we can better assist you in the Workshop, answers to the following questions would help:

How would you describe the socio-economic, academic make-up of your school and the neighborhood it serves?

Why do you want this workshop? What problems are you faced with?

Are there any specific components of our program that you want emphasized?

Please contact our office:

Center for Interagency Studies
Yerba Buena High School
1855 Lucretia Avenue
San Jose, California 95122
Phone: 279-1500 Ext 77

PLEASE SEND ME _______ **copies of** __**Solutions to Conflict and Violence in the Schools**__ **at $1.00 per copy (10% discount for orders of 10 or more copies.)**

NAME ________________________________

ADDRESS ______________________________

CITY ______________ **STATE** ________ **ZIP** ________

Send to: California School Boards Association
800 Ninth Street
Sacramento, California 95814

OR

Center for Interagency Studies
Yerba Buena High School
1855 Lucretia Avenue
Room 702
San Jose, California 95122

SEND US YOUR COMMENTS

Help us to better promote the Interagency Team Concept

Was this booklet helpful? Yes ___ No ___

If yes, what were the most helpful sections?

If no, what was missing?

What could/should have been developed in more detail?

APPENDIX A

INFORMATION SOURCES

Audio Visual

The Yerba Buena Crisis Counseling Project, Center for Interagency Studies: Yerba Buena High School, 1855 Lucretia Avenue, San Jose, California 95122

Solutions to Crime and Violence on the Campus, Center for Interagency Studies: Yerba Buena High School, 1855 Lucretia Avenue, San Jose, California 95122

Dropping Out, American Educational Films: 132 Lasky Drive, Beverly Hills, California 90212

Violence and Vandalism, American Educational Films: 132 Lasky Drive, Beverly Hills, California 90212

Youth and the Law - A Series, Doubleday Multimedia: Box 11607 1371 Reynolds Avenue, Santa Ana, California 92705. 1973: Law and the Police, Law and the Individual, Law and the Judge, Law and the Youthful Offender, Law and the Dissenter, and Law and the Accused.

Literature

Alternatives to Suspension - 32 page handbook in tabloid style - "Behavior Contracts, Alternative Schools, In-School Suspension Centers, Good Administrative and Classroom Leadership, Working with Parents, Peer Counseling, Cool-off Rooms, Student Advocacy and Cooperation between School Districts and Family Courts." May 1975 - South Carolina Community Relations Program, American Friends Service Committee, 401 Columbia Building, Columbia, South Carolina 29201

Adolescents, Parents, and Television Violence -Chaffee, Staven H.; McLeod, Jack M., Wisconsin University, Madison School of Journalism and Mass Communication, 1971

A Safer Environment for Learning - Report by the Panel on School Safety appointed by the Academy for Educational Development, 95pp - 680 Fifth Avenue, New York, New York 10019

Analysis of Federal Juvenile Delinquency and Related Youth Development Programs for Juvenile Delinquency Planners. National Technical Institute Services: 5285 Port Royal Road, Springfield, Virginia 21151, 1973

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Beelick, Delbert B., "Sources of Student Satisfaction and Dissatisfaction". Journal of Educational Research, September 1973. pp. 19-22, 28

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Chesler, Joan. "Innovative Governance Structures in Secondary Schools". Journal of Applied Behavioral Science, Nos. 2-3, 1973, pp. 261-280

Community Involvement and High School Crime. National Technical Information Service: 5285 Port Royal Road, Springfield, Virginia 22151

Cressey, Donald R. and McDermott, Robert A. Diversion from the Juvenile Justice System. National Assessment of Juvenile Corrections: The University of Michigan, Ann Arbor, Michigan, 1973

Cullers, Benjamin, Clarence Hughes, and Thomas McGreal, "Administrative Behavior and Student Dissatisfaction: A Possible Relationship", Peabody Journal of Education, January 1973, pp. 155-163

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Directory of Federal Juvenile Delinquency and Related Youth Development Programs - A Handbook for Juvenile Delinquency Planners. United States Department of Justice: Law Enforcement Assistance Administration, National Criminal Justice Reference Service, Washington, D.C. 20538. 1973

Fish, Kenneth L. Conflict and Dissent in the High Schools. Bruce Publishing Company: 400 North Broadway, Milwaukee, Wisconsin 53201

Grimditch, R.E., "How to Cut Down School Vandalism", Education Digest, February 1973, pp. 31-33

Guidebook to Promising Practices. Includes identification of schools with effective practices and programs of compensating education with demographic information about the schools. Compensatory Education Program Support Unit, California State Department of Education, 721 Capitol Mall, Sacramento, California 95814

Knowles, C.D. Alternative Programs - A Grapevine Survey. United States Department of Justice: Law Enforcement Assistance Administration, National Criminal Justice Reference Service, Washington, D.C. 20530

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A publication of the
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THE QUEST FOR SECURITY

Many school officials answering queries from Education U.S.A. agreed with the conclusions of numerous writers and studies on the subject: Vandalism and violence in the schools mirror a "sick society." They stressed the need for more effective educational programs in schools, home and community to root out the sociological ills leading to vandalism and violence. On the other hand, they also stressed that until educational and community programs become effective, security is a must--a "necessary evil" perhaps--but nevertheless a responsibility of those in charge of the schools. Therefore, school officials must realistically treat vandalism and violence with the most efficient and effective security measures at hand. This means giving first consideration to property and personnel controls to achieve the "maximum security" possible, within the available budget, while waiting for the slower educational programs--if indeed they are ever started--to take effect.

Edward D. Brady, director of security for the Chicago schools, observed: "With 3,000 kids in a high school, it only takes one to create thousands of dollars' worth of damage. But the vandals are very small in number. There's no way to make everybody believe there shouldn't be any crime."

Brady cautioned that educational programs might not be as effective or "the answer," as some critics of "fortress-like" schools believe. Educational programs, he said, more often than not reach the 99% of the pupils who wouldn't vandalize or disrupt schools anyway. "This is why you need devices and guards to protect against vandalism and violence."

Security Goals Changing

Since security cannot be overlooked as a major weapon in the battle against vandalism and violence, what should its goals be? Most experts agree that the goals are protection of physical plant, equipment, supplies and personnel. However, these are not listed here in order of priority. That order is determined by where the problems exist. Actually, security chiefs point out, the emphasis on security is changing. Brady underscored the change in these words: "Most school systems have had plant security personnel for a long time, but now their duties have expanded to personnel security. There is also a trend toward working with the community more."

This "round-the-clock" security was also stressed by others answering queries from Education U.S.A. They saw the need in many areas for increased security while school is in session as well as when schools are closed. This means increased use not only of "protective hardware" but also of people--

guards, police in schools, safety aides and community volunteers. Many responding to the Education U.S.A. survey pointed out that protective devices --alarms, locks, gates--are only as effective as the people behind them.

How are the goals of security--protection of plant, equipment, supplies and personnel--best achieved? The best way, according to those with the most experience with security, is to adopt measures that will deter the would-be vandals or criminals. These should also include ways to facilitate quick apprehension if a crime is committed because the threat of quick apprehension is considered a significant deterrent in itself.

How To Improve Deterrence

Suggestions on how to achieve deterrence, especially in the area of protecting plant and equipment, are outlined in Crime Against Small Business, a report of the Small Business Administration (SBA). Although aimed generally at security for small business establishments, the principles in the report can be applied to schools--but on an expanded scale. Principles outlined in the report are:

- Make crime a poor alternative by cutting the opportunities for theft (vandalism) and increasing the capture rate.
- Increase the complexity for criminals (vandals) planning crime by making their entrance and exit from the building as difficult as possible. Anything that complicates or delays has a tendency to discourage crime because it increases the risk of capture. "Thus," says the report, "any physical, technological or other housekeeping measures which are taken...to increase the complexity and time of attack will contribute to deterrence." This means the use of better locks, shatterproof windows, alarms and guards.
- Reduce the take. Make it harder to get at supplies and equipment.
- Capture the vandal or thief once a crime has been committed. The best deterrent is on-site capture or hot pursuit.

The report stresses a basic principle of crime deterrence--complicate and lengthen the time of intrusion and escape.

Costs of losses vs. benefits of security are something that should be considered. Also mentioned as important are the costs that help reduce or prevent crime, which often cannot be measured in dollars. This type of intrinsic cost is a prime consideration for schools. Schools not only have to consider the actual loss in dollars but also the costs in lost educational time from vandalism, theft, disruption and violence. If vandalism and violence are not stopped or minimized there are larger costs to society--the police, the courts, the prisons and welfare expenditures for families whose wage earner might go to prison, school security officials point out.

Districts responding to the Education U.S.A. survey listed no one type of security measure superior to all others. Most of them saw a combination of measures as necessary in various schools. This point was stressed by the E/R/S Reporter in an August 1968 report on Protecting Schools Against Vandalism (Educational Research Service, 1201 16th St. NW, Washington, D.C.; 18p.). "Rarely can two schools within the same district be protected in the same way," the report said. "The grounds and buildings themselves may dictate what can or cannot be done. No district which responded to the ERS request reported that any one protective system is used exclusively in all the schools of the district. In some districts almost every school receives a different type of protective measure. In other districts some schools go unprotected while others receive maximum attention. Most districts, for instance, find that secondary schools are more prone to vandalism than are elementary schools."

Los Angeles Offers 'Security Suggestions'

In planning security, a school must first survey its needs for both plant and personnel security. Most districts conducting such a survey find their greatest needs are protection of the school building and equipment. This includes a system to prevent intrusion of vandals, burglars and arsonists when school is not in session and to prevent thefts while school is open.

The Los Angeles school district provides its administrators and staff with a Manual on Property Protection (see pp.50-54). Included in the manual's section on "Security Suggestions" are what to look for and what to do in the security of doors, windows, roofs, equipment, inventories, isolated buildings, security lighting, new buildings, fire hazards and walk-in thefts.

Similar suggestions are contained in the SBA report, Crime Against Small Business. It says protection against burglary (and vandalism) "is a matter of attitude and housekeeping." The report suggests:

- An administrator's responsibility is to discourage burglary and vandalism by maintaining the highest level of protection.

- Administrators must accept the fact that no school is immune. Schools may be entered by those seeking adventure. This often results in vandalism and theft or sometimes arson. Or they may be entered by professional burglars.

- Since schools must be protected, it is not sufficient to safeguard merely the obvious points of entry. Every conceivable method by which burglars or vandals could gain entry must be anticipated. This not only means a thorough security survey, as required by Los Angeles, but also that school officials must know what security alternatives are available to them, from alarms to multi-strength windows.

- School officials must know about and establish "security routines" which fix the responsibility for who has keys, who is responsible for expensive equipment and for "locking up." This fixed routine includes these suggestions: turning on lights inside and outside the building before leaving; checking to see that no one is hiding in the building at closing time; double-checking all doors and windows; checking alarms to see that they are turned on and operating properly.

Popular First Line of Defense

Electronic alarm systems are the most popular first line of defense against burglary and vandalism, according to the Education U.S.A. survey. They are less costly than full-time guards. They also hold great promise as an ideal solution to intrusion of schools by would-be vandals or burglars.

Security officials warn, however, that there are many pitfalls and complicated situations to consider before spending money on alarms. For, as with security itself, there is no one superior alarm system. What kind of alarm to install and who should be given the responsibility for answering it depends on many factors, including cost. Security officers point out that there are many types of alarm systems on the market and it is a highly competitive business. For example, the Thomas Register (59th Edition, 1969) lists some 170 manufacturers and distributors of fire and burglar alarm systems.

Ray Schauer, director of the repair division of the Milwaukee Public Schools, issued these warnings on alarm systems in a speech before the convention of the Assn. of School Business Officials of the United States and Canada (ASBO) in October 1970:

- Increasing demands for security have drawn many persons, some qualified, some not qualified, to schools in attempts to sell burglar and fire alarm systems. Often these "sales-oriented" people are not backed by craftsmen qualified to do installation.
- The system selected must do the job for which it is being employed. If it does not do the job, it should be abandoned for some other system.

Schauer added: "I would urge, before purchasing any alarm system, that you make sure the installing company has Underwriters Laboratories' certification for central station or direct connect service. In addition, the company should meet the approval of the State Insurance Fire Rating Bureau, Factory Mutual Engineering and Factory Insurance Assn. Throughout the country there are companies rendering central station service meeting those approvals; and in smaller communities, there are companies which can render approved direct connect service to the police or fire department or any other logical point."

Which Alarm System is Best?

How should a school district select an alarm system? The answer is to consult authorities--reputable firms, insurance companies, governmental agencies. Schoolmen should understand that alarms are not panaceas. Yet many districts report that installation of alarms has reduced entries and losses. As one security official told Education U.S.A.: "When we find out in the morning that the alarm has been set off, we don't know what we've saved. Did the alarm scare them off before they did anything? We never know. We can't tell the benefits of a system because we can't measure it. But the aim is to deter trouble, rather than catching vandals afterward."

The experts generally agree that the first decision to make in installing an alarm system is to determine who will answer it. Will it be people or neighbors near the schools who will hear a siren or bell and call police? Will it be a "silent alarm" with a direct line to a police station? Will it be a silent alarm feeding into a district console and monitored by district personnel who alert guards and police? Will it feed into a private alarm agency, which may dispatch guards and also notify police? Good and bad points for the following types of alert systems were outlined in the SBA report and by security officials responding to Education U.S.A. queries:

Local Alarm: generally a loud bell or siren, which can also be employed with flashing lights. The aim is to alert neighbors to call police, attract passing police and to have a psychological effect by scaring away intruders. Such alarms can be effective, but this depends on whether neighbors cooperate by calling the police. Usually this type of alarm is the lowest in cost and easiest to maintain, depending on the number of sensors installed at places of ingress. A weakness in this system is its reliance on private individuals who often do not want to become involved. Professional burglars are often not frightened by such alarms because they know the alarms are often not answered quickly, if at all, so they "have time."

Silent Alarm with Direct Line to Police Station: sensors or manual switches connected directly to the police station or fire station by private telephone line. Police or others responding to calls should have keys to buildings. The silent alarm with a direct police line provides the fastest and most direct route to the police dispatcher. A high rate of false alarms sometimes results with this type of installation due to faulty equipment, physical forces such as wind, human error such as forgetting to turn off the alarm when entering the building, or line failure. In some areas the false alarm rate has been estimated at 85% to 95%. Sometimes this causes the police to give such alarms a low priority. Generally silent alarms are more effective in small towns or suburban areas where police response may be quicker.

Local and Silent Alarm with Direct Line to Police Station: a combination of the above two. This system is designed to trigger a silent alarm on entry, and an audible alarm if the line is tampered with. The audible alarm provides an alternative if silent alarm becomes inoperative. The local and silent alarm has the same disadvantages as a silent alarm regarding police response, and those of an audible alarm regarding public response.

Central Station Service: can be of several types. It can notify police, or provide its own armed guards which it can dispatch. Guards generally have keys. Central stations certified by the Underwriters Laboratory must install and maintain approved equipment and a guarded station; use trained personnel; have a minimum number of armed staff; and provide graded service, depending on that specified by the client. In spite of precautions to provide top service, some critics have said such service sometimes fails because the guards are often not well trained, are retired people and may fear answering alarms in high-crime areas.

School System Providing Own Central Station. Several school systems reported to Education U.S.A. that they monitor their own system from a master console. This central station is sometimes manned by personnel who, through a loud speaker system, can "listen" to determine if an entry has been made and then call police or district guards, or both.

Once the decision has been made to put in an alarm system, how should it be actuated? The SBA report says that in choosing sensors there are six primary factors to consider: (1) confidence factor--that the entry attempt will be detected, (2) false alarm rate, (3) cost, (4) reliability, (5) resistance to defeat, (6) limitations imposed by the operating environment [an important consideration for schools].

"Generally (but not necessarily), a high confidence factor is associated with high cost, high reliability and high resistance to defeat," said the SBA report. "Very often, a high confidence factor is also associated with a high false-alarm rate because of the great number of sensors used or the increased sensitivity required to obtain a high probability that intrusion will be detected. A low false alarm rate often imposes many limitations on the permissible operating environment for certain types of sensors. A sensor that is designed to detect sounds made by an intruder, for example, would be susceptible to many false alarms in a noisy environment such as...a busy street. High reliability is more often associated with simplicity. It is also directly related to costs--primarily costs of quality control in manufacture and installation and costs of inspection and maintenance."

The report noted that if potential losses are high, the cost of a high-confidence system with much resistance to defeat would probably be justified. It also pointed out that "because of the number of interacting factors that must be considered and evaluated, it is not possible to select any particular type of sensor or group of sensors that would have universal application" for protection of all types of establishments. The report gave a list of "off-shelf" sensors now available plus a description of some new types that might be available by 1975.

The July 1970 issue of American School and University magazine lists 10 basic electronic security devices it says "...cut across the jumble of available electronic security systems to give you a rundown of 10 basic devices--how they work, where to put them and an idea of how much an installation costs." It also lists the makers of the various systems.

What To Do If Burglary Occurs

Crime Against Small Business, published by the Small Business Administration, gives the following advice on what to do if burglary occurs:

- Do not disturb anything at the scene. The chances of apprehension are greatly increased if the scene is left completely intact.
- Preserve all clues.
- Call the police immediately.
- Be prepared to assist police in every way.
- Be prepared to provide information as to items missing.

Two additional systems are mentioned in the magazine. One is a closed-circuit television which is especially good for monitoring remote entrances. The magazine advises that this system be coupled with an audio-detector which alerts the person in charge of the monitor to look at the TV screen.

The other system is a taut-wire detector which can be stretched across the top of a chain link fence for protection of parking lots, storage areas and playgrounds. The wire detects anyone touching or cutting it. But it is advisable, says the magazine, to back up this system with another electronic system.

Buy or Lease a Detection System?

Is it best to install and operate your own detection system or to lease one? Views differ, depending on what is expected to give the best service. For example, on the recommendation of a study committee, Fairfax County (Va.) Public Schools decided to install a sophisticated electronic security system at 167 sites. The system, called a "total surveillance program," will cost about $520,000. It involves a master monitoring console plus mobile patrols employed by the school system in cooperation with police. Not only does the system detect fires and illegal entries but also the "silent" alarm sounds in the case of heating, air conditioning, refrigeration and electric power failures. It can also be used for emergency voice communication.

Ralph E. Buckley, Fairfax County assistant superintendent for school services, says the system will be a bargain if it cuts vandalism and fire losses as he thinks it will. It will also mean a saving in insurance rates. "The system thus far has measured up to expectations," he reported. "There have been no undetected entries where the system has been in operation, and apprehensions of intruders are being made as a result of the system." Buckley adds that the system sometimes "works too well" because there have been instances where employes who did not report they would be in buildings were "caught."

Ray Schauer of the Milwaukee Public Schools reported on the pros and cons of a lease arrangement at the 1970 ASBO convention. He reported that his district decided to use an approved central station motion detection system on a leased basis after experimenting with sound and motion actuated systems. "Despite our rigid pre-qualifications for bidders, installations of the sound and motion actuated systems turned out very poorly," he reported. "The period of installation was prolonged, workmanship was poor and the work was never satisfactorily completed. In addition, the telephone dialers with prerecorded messages [to the police station] did not prove dependable."

The central station lease, he noted, is for three years, renewable on an annual basis. "Complete maintenance and satisfactory performance are assured, or the lease is terminated," he said. "Should the need for a security system ...be eliminated the lease can be quickly terminated." He added that as of October 1970, 42 buildings were equipped with sensors at strategic locations, at an annual lease cost of about $37,000. "One of the benefits inherent in this type of security system," he said, "is the availability of a management control tool. A chart can be readily installed at the control panel indicating the time it is switched on and off, thereby acting as a personnel control device."

The New Multi-Strength Windows

The solution for broken windows, a major cost of vandalism, is apparently on the way. Numerous school districts say they are replacing "glass" window panes with the various new types of tempered glass, acrylic and polycarbonate sheets now on the market.

"History's last broken window won't be recorded in 1969, even if vandal-resistant glazing suddenly replaces ordinary glass in all of America's school windows, but the recorded number of broken windows can be made considerably lower through use of the vandal-resistant glazing available," commented American School and University magazine.

Six new types of window "glass" are:

- Thermally tempered glass--four or five times the strength of ordinary glass. Good for second story or higher. It has cut breakage by an estimated 90% in some schools.
- Corrulux fiberglass building panels--tremendous strength. They are reinforced with millions of high-strength glass fibers and acrylic to assure the utmost in weather durablility, fire resistance and translucence.
- Plexiglass acrylic plastic--sheets of various thicknesses that can be cut to desired dimensions. Reduces breakage up to 90%.
- Acrylite cast acrylic sheet--17 times the impact resistance of glass of the same thickness.
- Pressure-sensitive solar control window film--a film that can be applied to windows to help with shatter resistance.
- A clear polycarbonate product (Lexan)--reported to have great resistance --about 250 times the strength of glass.

In spite of the cost of such materials, most school officials say it is less expensive than replacing broken windows.

Vandals Prove To Be Ingenious

Polycarbonate windows, for a time, did not stop vandals from trying to break into Baltimore schools. Finding they could not break the ground floor windows any longer, the vandals removed the glazing compound before it had set. This was counteracted by securing glazing strips with sheet metal screws. The vandals started carrying screwdrivers. These were counteracted with pop rivets. And this seems to have stopped them, at least temporarily. But not so in another district. Education U.S.A. was told that plastic-type windows were squirted with lighter fluid and ignited. The windows melted. The only difficulty for the vandals is that the blaze usually attracts a lot of attention.

Harry J. Kendig and Robert Stewart, repair shop supervisors for the Baltimore city schools, wrote a report on the use of polycarbonate material in school windows. Here are some of their comments:

"Taking a look at our overall glazing picture, we feel we now have our problem under control. We would be the last to admit that it will disappear completely, but it seems now that it's just a routine maintenance item. No longer do we receive frantic calls from principals concerning extensive breakage.... The security force has noticed a definite drop in vandalism as it is related to broken glass.... The gross amount of glazing material being ordered is now down. No overtime is being charged to glazing, except in dire emergencies, and because the buildings are fully glazed, we know that there will be no secondary damages incurred from weather. And, finally, the reports from operations are that we are saving on fuel costs."

The report notes that an attempt is under way to convince architects that schools should be designed for polycarbonate glazing. Also, the Baltimore City Health Dept., Fire Dept. and Bureau of Building Inspection had to be convinced that their code requirements for classroom windows were too restrictive and costly to maintain.

Guard Dogs: A Controversial Weapon

Are guard dogs useful to protect your plant when school is not in session? Reports to Education U.S.A. indicate mixed reactions to this question. Several districts reported "remarkable success" with teams of guards and dogs. Others say dogs are too expensive, are hard to handle and result in a bad image for the district. There is also fear of liability if dogs interfere with persons before they are definitely linked with any crime, such as unlawful trespassing, especially on public property.

The Memphis, Tenn., school district reports "remarkable success" with dogs. John B. Freeman, assistant superintendent, said the district uses an outside contractor and can put one man and one dog in a school for $2.50 an hour. "The school employes are grateful since the dogs stop all vandalism," Freeman said. "We've had remarkable success with them...and caught a number of vandals. The only trouble is that we need more. We could probably use 30 teams on any given night.... So far, we've had no adverse reaction from the community. Where schools are clustered, we may cover three schools with one team."

Similar success was reported in San Bernardino, Calif. The school district, however, discontinued use of the dogs when threatened with a court suit because the service was being provided by an outside agency instead of by school employes. A San Bernardino school official told Education U.S.A.: The "well publicized" dogs "gave a real psychological advantage." The dogs, always accompanied by a handler, were moved to several schools during the night, and "they kept people off the grounds." Warning signs were not put up because the dogs did not run free. There were no instances of dogs interfering with innocent bystanders. Nor were there protests about dogs using undue force against an intruder. Paul Engle, Los Angeles schools' security chief, said his district has "gone into all angles" concerning dogs and concluded the cost, compared to the effectiveness, is not worth it. He noted that the dogs must have handlers they can work with. "When you weigh this experience with the expense and the effect of comments from the community...I don't think this is the proper time to enter into it," he said. Nevertheless, according to an Aug. 14, 1970, Wall Street Journal survey, there is a growing use of dogs by private concerns for "crime busting." The article notes that Arthur J. Haggerty, former commanding officer of the Army's K-9 Corps, trains an average of 100 dogs a week at his school which he started in 1961 with one dog. His dog rental fee in August 1970 was $125 a month for the first month, and $85 for each additional month.

Architecture: Building the Vandal-Proof School

Volumes could be written on what architects could do to make schools more vandal- and theft-proof. For example, many school officials point out that new windowless schools would do much to alleviate the high loss of window breakage and the time required for maintenance. Also saved would be money spent for shades. In addition, say their adherents, windowless schools are safer, since they eliminate the possibility of injury from broken glass. And there is no reason for not building them in this day of air conditioning.

Some schoolmen point out that in the design of new schools, faculty lavatories should be located near those for students to reduce loafing and damage in this area. Roofs with plastic domes instead of skylights would probably be less accessible to vandals and thieves. Also being recommended are closure plates for expensive mechanical equipment, better protected and more ample storage rooms, tougher wall and equipment surfaces and more sophisticated door and window hardware to foil intruders. In addition to what architects might come up with, Kendig and Stewart of Baltimore, Md., suggest architectural changes for older schools to help them in the battle against vandalism. They include: bricking up openings in storerooms and basements that have continual entry problems; installing porcelain paneling in vulnerable glazed areas; using corrugated vinyl sheets over broken glass-block areas.

The SBA report noted: "The architect plays a key role...in making intrusion...more difficult, more complex, more time consuming and therefore more uncertain. Measures in these directions are vital because they are equivalent to quicker times of arrival of police.... The neglect [of architects] is neither sinister nor deliberate. It appears to be due to an almost complete lack of awareness that the details of security against crime should be an essential function of the architect."

Bomb Threats: How To React

Should you ignore bomb threats as the work of mere pranksters? Definitely not, advises the National Assn. of Secondary School Principals (NASSP). In its January-February 1971 issue of Spotlight, the following points were made by NASSP Exec. Secy. Owen B. Kiernan, from a survey of principals:

- Bomb threats are increasing because "extremists, hooligans and psychotics" have found a sure and easy way to disrupt schools.

- A detailed plan should be developed on what to do if a threat is made or a bomb is found. The plan should be disseminated to all faculty and administrators, custodians, secretaries and telephone operators who may answer threat calls. The plan should be drafted in consultation with all concerned, including the police and fire departments.

- An evacuation plan should be made. Arrangement should also be made with local news media editors to be sure there is no undue publicity, since publicity tends to cause other threats.

Spotlight published extensive guidelines for a typical set of procedures for a "major city," a "small district" and a "medium-sized community." Major points of the three plans:

1. The principal should be notified immediately when a bomb threat occurs.

2. The person notified of the "bomb," either in person or by telephone, should attempt to engage the caller in conversation and ask: "Where is the bomb located? When will it explode?" If possible, the caller should be put on hold for monitoring or tracing the call. Police should then be notified on another line. Listen for background noises. Try to determine the age, sex and emotional state of the caller.

3. The principal should notify the police. He also should notify pertinent administrators and custodial personnel. A search for the bomb is started. If search teams have been organized, they search their stations. Custodians should have at least several powerful flashlights, so dark corners, stairwells, etc., can be searched.

4. Strange objects, flight bags or other types of unidentified containers should not be touched. Leave this up to the bomb squad.

5. When police or firemen arrive, follow their advice.

6. The principal has an important decision to make. Is the call merely a hoax that should be quietly investigated but not allowed to disrupt classes? He can either follow a prearranged evacuation procedure or call a fire drill.

7. If the principal decides on evacuation, he should notify all classes over the intercom as calmly as possible. He should specify where students are to assemble. Teachers should hold a roll call outside to see that no students are missing. Teachers should check the room when leaving to see that no students are left behind. No student should be allowed to return to the building.

8. If school is to be dismissed, the conditions under which this occurs may already be outlined in district policy. If buses are called, teachers should make sure students board them. Students who walk home should be permitted to do so.

9. The principal should be prepared to make a report of the incident. Such a report should include the school, date and time when the bomb

'Big Brother' Bugs Unruly Students

The school board of Texarkana, Tex., decided on a tough "Big Brother" system to curb unruly students after two teachers were threatened and fires were set in rest rooms of a high school. Cameras were approved for strategic locations in two junior highs and one senior high. A teacher was assigned to each camera to take pictures of students involved in disturbances. Each classroom was given a tape recorder so teachers could record any threats or back talk. The board hopes this method will have a psychological effect and deter any further disturbances.

threat was received; alleged site of the bomb placement, if known; the procedure followed; completion time of incident.

10. The principal should make sure all personnel are briefed on their assignments. The procedure should be reviewed once a month, and a dry run should be made at least twice a year.

NASSP offered the following suggestions:

- A measure that has proved effective in reducing threats is to publicize that all lost school time will be made up.
- Lengthy jail sentences can be imposed on convicted offenders. Check if such threats are a felony or a misdemeanor in your state.
- Where threats are repeated, buildings may need to be searched before classes and locked when school is out.
- As far as practicable, get rid of possible places of concealment, such as lockers and closed wastebaskets.

THE VARIOUS ROLES OF SECURITY PERSONNEL

Security hardware and the laws, rules and policies aimed at deterring crime in the schools are only as effective as the people behind them. This point is stressed over and over by school security officials. And they add that security must be maintained on a round-the-clock basis to counter increasing vandalism and violence. This means that more guards, watchmen, hall aides, police-in-schools, community volunteers and others must be involved.

This need is evidenced by what is happening in many school districts. Los Angeles, for example, which had about 15 security agents in 1964, now has a force of over 100. The New York City schools in the past several years have expanded their security guard force to 382. Many other districts are hiring chief security officers and giving them the responsibility of organizing a guard force or formulating overall security plans. Among these are Washington, D.C., Philadelphia and Detroit. Some districts like Denver, Colo., and Oakland and Berkeley, Calif., are experimenting with adult aides as hall and playground monitors to assist with discipline problems and to prevent outsiders from disrupting the schools.

What is the role of these security personnel? What are their responsibilities? How are they selected? Are they armed? Do they wear uniforms? Do they have police powers? The answers, as with total security itself, are varied. They depend on the problems at hand, available finances, geography and many other factors.

The Principal

The principal generally has the major responsibility for security at his school. He is accountable to the district administration as well as to the community. The security department serves him in an advisory capacity and, as generally noted, "does not interfere with the operation of the school."

The Chicago school district points out in its School Security Manual: "Firmness by the principal is important. The message of this attitude soon filters through the school and the community. It is essential that the student body know that the principal will follow through on a theft or an assault and that the principal or his representative will go to the district police station or pertinent court. If the community knows that the principal will follow through on any criminal act--to prosecute the guilty as well as protect the offended--the area around the school will become safer. If the school does not follow through on any part of the case, the accused may be released for lack of prosecution."

New York City schools recently gave high school principals some help in their security role. Principals were told to assign the responsibilities for school security to a member of their supervisory staff. In both New York and Chicago, principals and their representatives are responsible for the following:

- They act as chief contact for guards, police or other persons or agencies involved in school security.
- They must establish procedures for all types of emergencies and advise staff and students of the procedures.
- They are responsible for notification of staff and for inservice training on procedures to follow in the case of crimes and crises.
- They must maintain contact with community agencies, parent groups and the police to avert disruptions in school buildings and in cases of impending crisis or increases in school crime.
- They are responsible for handling student violations, and for working with and involving students on discipline procedures and student concerns.
- They must cooperate with police if arrests are to be made at the school; make sure that parents are notified; be with, or have staff member be with, police officer and student at all times if his parent or guardian is not available; and make sure that due process is provided the arrested student while on school premises.
- They must take necessary legal action or support legal action against individuals.
- They must inform superiors of developing security and crime problems.

In addition to the policing aspects of security, most districts stress the need for more community involvement in helping to solve the problems. New York, for example, advises: "By involving supervisors, teachers, parents and students in the decision-making process, the schools are made more responsible to the changing needs and aspirations of those whom they serve. This in no way diminishes, but rather enhances, the role of the principal as the chief administrative officer of the school. The principal is expected to exercise the authority necessary for the conduct of the educational program and the safety of students and staff."

The Security Officer

"The security officer in a school organization must indeed be a person of many facets," remarked Robert H. Potts, head of security for the Detroit schools. "The position is an unusual one and can be very demanding in that each situation seems to require special handling." Potts and others pointed out to Education U.S.A. that the chief security officer and his department usually act in an advisory capacity to the administration and principals of various schools. A composite of a security officer's responsibilities as developed by the school districts of Detroit, Los Angeles, Hayward, Calif., and Jefferson County, Ky., is as follows:

General Responsibilities

- The protection of school property, supplies and equipment, and the safety of school personnel and pupils.
- Recommendations for procedures and policies to be used in safeguarding property and personnel.
- Recommendations for the purchase and installation of protective equipment, and the hiring and deployment of security personnel.
- Responsibility for the installation and monitoring of intrusion alarms; verifying alarms and dispatch of security section patrol car or police to location.
- Deployment of security guards and watchmen as needed.
- Responsibility for conducting periodic security surveys. Bringing problem areas to the attention of administrators. Giving assistance to schools bothered by loiterers; extreme disciplinary problems; the sale, possession and use of narcotics; or the presence of unauthorized persons on the campus.
- Advising building supervisors on formulating an appropriate disaster plan.

Investigations

- Investigation of burglaries, thefts, malicious mischief, arson, flooding and drug and narcotics problems.
- Investigation of school employes or personnel applications for unlawful conduct when requested by higher authority.
- Investigation of all cases of vehicle accidents involving school district equipment, and assistance in recommending settlement.
- Screening and investigation of student and faculty accidents to help determine the liability of the district.
- Investigation for and cooperation with the business office on insurance matters.

Cooperation with Police

- Working closely with police for crime prevention, prosecution of cases and development of patrol policies in school areas.
- Keeping close contact with court cases and serving as a witness for the district if needed.

- Repossessing stolen articles recovered by police, and cooperating in the recovery of stolen school equipment.

- Securing photographs of damage and evidence when needed.

Reports

- Responsibility for preparing reports on all damage, incidents of violence, theft and arson, plus the distribution of reports to appropriate individuals.

- Responsibility for devising appropriate documents to be used in schools and by school personnel to assist in overall reporting.

- Responsibility for preparing a manual on property and personnel protection, and any other security suggestions as needed.

In some districts, such as Heyward, Calif., the security officer also has the responsibility of setting up school assemblies, parent meetings and inservice staff training, as well as coordination with community groups such as the PTA, courts and other public and private agencies involved in crime control and youth work. In Heyward, the security officer also provides releases to the news media.

Security Guards

What kind of people are employed as security guards? How much are they paid? Do they wear uniforms? Are they armed? Do they have the power of arrest? Again, the answers are varied.

In some cases, as in the Chicago schools, they are off-duty policemen working on a part-time basis. Chicago security guards number 270 and work four hours a day. "About 2% of the principals want the police in uniform at the beginning of the term," said Edward Brady of the Chicago schools. "This is just so the kids learn to think of the policeman as a friend, there to protect not only the property but also the people." Brady notes that the officers carry walkie-talkies so they can be in constant communication with other officers.

Uniforms, Guns, Mace, Handcuffs?

Opinions differ on whether security guards should wear uniforms and/or carry guns. Some security chiefs feel that uniforms, especially of the police type, cause antagonism. While most police in schools are armed, guards may not be. The Kansas City schools in 1968 issued mace and handcuffs to guards. This gave the guards the capability of subduing outsiders--not students--without harming them. In Pinellas County, Fla., school guards can be easily identified. They wear "distinctive security officer attire, consisting of a brown blazer and trousers, gold shirts, dark ties and brown shoes."

Brady said the off-duty policemen who serve as guards help liaison with the regular police department and with the community. In addition, Brady pointed out, the Chicago schools hire civilians in security roles to act as a buffer between the community and the police. They can be either men or women. Chicago also has a crew of night watchmen in about two-thirds of the schools. Brady listed 1970 costs of $1.7 million for personnel security, and $1.5 million to $2 million for night watchmen (plant security).

The Los Angeles school district has what amounts to a police force of its own. Standards for the 102-agent security force are high. Each security policeman must:

- Have previous police experience or two years of college with a major in police science.

- Meet the same height and weight regulations as the regular police department.

- Complete a standard 10-week peace officers training course conducted by the Los Angeles County Sheriff's Dept. Training includes instruction in physical education, narcotics, human relations and the use of firearms. After being hired, the agents are on six months' probation.

Paul T. Engle, Los Angeles schools' chief security agent, says his agents wear civilian clothes because people are antagonized by uniforms. However, no attempt is made to conceal the identity of the agents, who are armed and use patrol cars. The security officers' pay is based on the wages offered by the Los Angeles city police and the county sheriff's department. The force also includes five full-time investigators. "We try to stick to security," said Engle. "We don't get involved inside the schools unless there is a fight or an attack on a teacher. Our main problem is with outsiders—dope peddlers, pimps, intruders, drunks and dropouts." Engle says the cost of the force is over $1 million a year.

Kettering High School, Detroit, has specially trained policemen, called the "Detroit Rangers," assigned on a permanent basis. The Syracuse survey, which praised the program, said the rangers "carry out their patrol on miniature motorcycles, thereby giving themselves the range and mobility that an administrator, teacher or other control agent could never achieve on foot. As a result, the fights, crap games and threatening clusters of people in and around the school can be reached quickly, observed, and, if necessary, dispersed. Our site visitor found these officers to be especially effective because they are permanently assigned and have taken very special pains to know large numbers of students on a first-name and informal basis."

Many school districts lavish praise on their security personnel. There is recognition, nevertheless, that greater professionalization and expansion of school security forces is needed. Rep. Jonathan Bingham, in introducing the "Safe Schools Act of 1971," noted: "Sadly, perhaps, but undeniably, the days of the grandfatherly school custodian-watchman, shuffling wearily about his chores to supplement his pension, are over. It is time we recognize that the job of making schools safe is a delicate and demanding one. It requires special skills, techniques and equipment which neither teachers, school administrators nor the average 'cop on the beat' possess. We must define the responsibilities and role of security personnel in the school community, and we must provide them with appropriate training and facilities.... Some school systems have hesitated to provide needed security equipment because their security forces aren't adequately trained to use it properly. So one inadequacy leads to another. And our children and teachers are the losers."

In spite of the problems, districts setting up security departments and employing guards of various types report some positive results. None claims guards are the ultimate answer to the problem of vandalism and violence, but, as with alarms and other hardware, no one knows what might have happened had they not been there.

New York City's former Supt. Bernard E. Donovan said in a July 1969 release that security guards "had a marked influence in restoring good order" in some troublesome schools. Reporting on interviews with teachers and supervisors where guards were assigned, Donovan said the overwhelming majority reported that guards have a positive impact on the schools, resulting in a significant decrease in serious disruptions. "Just the mere presence of the security officers," he said, "has inhibited violent outbreaks on the part of certain student groups and outsiders.... The students know the security officers have the authority to arrest disorderly persons. Also, the students tend to be more careful because they know the security officer will not hesitate in bringing disruptive individuals to the dean or other school officials who in turn will notify parents."

Paid Community Security Aides

The Syracuse survey listed "novel ways" of enhancing the security of persons and property. One of these--the use of paid community security aides or hall guards--is being used by many districts. The aides come from the same school neighborhood as the pupils and often include siblings, neighbors and mothers and fathers of students. "When such a security aide tells a student to 'cool it,' the response is likely to be more positive than if the enforcer were a uniformed policeman who had been on the beat for only three months and had come from a different part of town," the report said.

Vincent Reed, former security chief for the Washington, D.C., schools, described that district's 81 aides as "the eyes, ears, arms and legs of the administration." He said the aides often know the identity of those who push or take dope, who extort money from other students or who might have broken into the school the night before. As a San Francisco teacher put it, "the hall guards not only let me concentrate less on guard duty and more on teaching, they often help to forestall troublesome situations before they blow up into crisis proportions."

Qualifications, pay, hours worked, titles and duties for these community security aides vary from district to district. In Washington, D.C., for example, since the aides are hired by the federal government, they are rated GS-4 at an annual salary of $6,202 to $8,065. Many are retired policemen or parents or young men interested in youth work. Generally, they are interviewed and hired by the principal, and undergo special inservice training sessions.

Their workday is from 8 a.m. to 4:30 p.m. "They have quite a bit of responsibility," said Reed. "They may also be in charge of attendance records for a particular school and of checking up on the attendance of a particular pupil. In the summer they help out with the dropout prevention program."

Another typical security aide program is that of the Cincinnati schools. The 85 aides come from the neighborhoods of the various secondary schools to which they are assigned. They work from 2 1/2 to 7 hours a day. Pay ranges from $2.65 to $3.55 an hour.

This kind of increased "adult presence" in schools was listed by Rep. Bingham as the type of program that should receive federal aid. Bingham noted that the effectiveness of paid, neighborhood-based security aides was found to be "enhanced by their neutrality--their lack of identification with either school officials or the police. Special training for the aides, especially in the area of fundamental constitutional rights, is necessary," he said. "Without such training, patrols could do more harm than good. But with proper training it appears they can make an important contribution. Funds under the legislation I am proposing [the Safe Schools Act of 1971] could be used to set up 'parent patrol' programs, to train participants and to pay their salaries."

Volunteer Security Help

In addition to paid security aide programs, many districts also have parent volunteers who help maintain safety and order in the school and surrounding community. Their duties at school are often much the same as the paid security aides. Off campus, in addition to working with community groups and the police, they conduct public relations programs aimed at advising parents of the high cost of vandalism. The Washington, D.C., schools have approximately 185 safety committees. Each committee includes one administrator, three teachers, three students, three parents, the head custodian, the head of food services and any other interested persons. Each school sets up its own system, but the aim is to identify security problems and get something done about them. And in Alhambra, Calif., teams of parents who keep an eye on schools are credited with helping to decrease vandalism.

Police-in-School Liaison Program

A growing trend in combating vandalism and violence by juveniles is use of a police-in-school liaison program, often referred to as "school resource officers." Under this program, a juvenile specialist on a full- or part-time basis is assigned to a school, generally a junior or senior high. The police officer is often in contact with nearby elementary, private and parochial schools as part of his "beat." His duties generally include patrolling halls, grounds, the neighborhood and athletic and social events; teaching safety and citizenship courses; and "counseling," in cooperation with guidance officials.

Despite a fast growing number of these programs, not all school officials or parents think they are the answer. Yet many districts that have adopted programs, often on a pilot basis, plan to expand them as soon as financial and personnel resources will allow. Some districts using the program report a 25% to 50% decrease in juvenile referrals.

Some critics of police-in-school programs say police should not be assigned to schools under any circumstances. They say if schools are so bad that police have to be assigned to them, there is no stimulus for good behavior. However, proponents of police-in-school programs say the mere presence of a policeman helps to improve student behavior.

Such a program is a modern approach to the old-time cop on the beat. He is the personification of law and order, but he also establishes human, personal relationships. Children can look upon him as a friend, not a foe.

Proponents also argue that school is the logical place to reach children with preventive programs. They say that police and schools, working together, can help pupils to understand laws; promote good citizenship; and foster an attitude of respect for personal property and safety for students, teachers and school property. When the officer knows the community around the school he can establish rapport with school faculties, parents and businessmen. He can be an invaluable source of information about law enforcement and other problems in the neighborhood. The officer can acquaint students with dangers in the school area, such as molesters, and provide tips for bicycle safety and rules of the road.

Opponents of police-in-school programs say they are an unconstitutional invasion of student privacy and an illegal extension of the school district's authority. They say police should be involved only if a student is suspected of a crime or threatens physical danger--and then only at the request of the principal. If a student is incorrigible, they say, he is a problem for the school administration, not the policeman. Those who object to the program say police will be able to use unsuspecting minors as "spies" regarding the opinions and activities of parents and other adults in the community. Another problem they cite is the possible harrassment of juveniles with a history of delinquency through continual surveillance and questioning.

Few policemen, even juvenile specialists, have the necessary training in child psychology to succeed in such a program, say opponents. They say it

Undercover Police Pose as Students

Sometimes problems are so bad that school districts resort to undercover policemen posing as students. In New York City they have been used to discover planned acts of violence and to trap dope pushers. At one high school a heroin ring was broken up in this way. Eight students aged 15 to 18 were arrested. One New York official told Education U.S.A. that such undercover work had been going on for years and had to be increased because of fights, assaults, arson, bombings and other disorders. The agents register as students, attend classes and take part in school activities, but the principal does not always know they are in his school. When their mission is completed they withdraw from school.

is impossible for a policeman to maintain the image of a friend and counselor while serving in the conflicting role of policeman.

Despite the opposition, police-in-school programs have been operating for many years. Altanta has had plainclothesmen assigned to school duty for about 38 years. And in Flint, Mich., the police-school liaison program was started in 1958 in one junior high school on a pilot basis. The program, aided by Flint's Mott Foundation, was expanded to all secondary schools in the district by September 1965. By 1967, the National Community School Education Assn. listed 13 districts, in addition to Flint, which had police-in-school programs: Tucson, Ariz.; Oxnard, Calif.; Atlanta; Arlington Heights, Ill.; Elk Grove, Ill.; Mt. Prospect, Ill.; Wheeling, Ill.; Albion, Mich.; Ann Arbor, Mich.; Pontiac, Mich.; Edina, Minn.; Minneapolis; and Cincinnati.

Selected Guidelines for Police-in-School Liaison Programs

Three school districts--Flint, Tucson and Cincinnati--submitted guidelines to Education U.S.A. outlining how they have organized programs for security resource officers. The guidelines spelled out the philosophy, purposes and goals of the programs. They also included responsibilities and qualifications for security officers, including chain of command, type of uniform, reporting forms and communications equipment. Generally, security officers are paid through a cooperative arrangement, with the city paying half and the school district the other half. The guidelines are similar in all three districts. Portions of each, excerpted below, provide a broad statement that could be adapted for local needs.

Statement of Purpose (Tucson): "One of the primary functions of education is to help the child prepare for responsible citizenship. The study of laws and law enforcement in a school setting should help the child develop a positive concept of police officers and law enforcement.... The school resource officer program is a cooperative effort of the public schools and law enforcement agencies to develop a better understanding of law enforcement functions and to prevent juvenile delinquency and crime...."

Duties and Responsibilities of the Security Resource Officer:

- The security resource officer strives to increase student understanding and respect for law enforcement through interaction with students in informal situations.
- He serves as a resource person in talks to classes and assemblies and involves himself in safety programs of an educational nature.
- His actions should reflect an understanding of the responsibility of school staff in resolving student behavior.
- Upon request he assists at school functions involving large crowds.
- Through routine patrol he protects students off school grounds and between home and school.

- He serves as a source of information about city and community agencies involved in governmental functions and interprets city laws.
- He has access to routine school information, such as names, addresses and telephone numbers. The principal or other professional person may share records of a more confidential nature with him.
- He may participate in case conferences, at the discretion of the principal, especially where potential delinquency is a factor. But he does not assume the role of a case worker or counselor.
- If he interviews a student in school it must be in the presence of the principal or designated representative. If the child must be removed from the school, the parent or guardian must be notified in advance. If parents desire to be present during an interview they shall be permitted.
- He informs the principal concerning apprehension of students. The principal may ask him to verify the referral of students to law enforcement agencies or the courts.
- If he refers students to other community agencies these are to be made in accordance with regular school procedures.
- In emergency situations he may take direct action to apprehend persons committing a serious unlawful act in school.
- He contributes helpful information to school guidance counselors concerning individuals, neighborhoods and families.
- He confers with parents, pupils and individuals in the community on pre-delinquent and delinquent behavior.
- He represents police and courts as a consultant in law enforcement and juvenile problems.
- He provides service to neighborhood merchants and residents in school-related problems.

The Security Resource Officer as an Instructional Resource:

The security resource officer can serve as an instructional resource person in the following ways:

- He can assist in orientation meetings for students, faculty and community.
- He can give short talks at elementary schools, acquaint pupils with police scout car, help with PTA programs as a speaker, provide information about specific pupils and help with school safety programs.
- At secondary schools he can be a valuable resource for classes studying vocations, law and order, black culture, crowd psychology, the mathematics of traffic engineering, driver education and health.

THE INSURANCE PROBLEM

"A steel vault encased in concrete at the bottom of the bay" is about the only thing schools can insure against fire. This lament by Supt. Joseph F. Zach of Asbury Park, N.J., in an article on the "insurance problem," is an overstatement. But it's the kind of lament being heard with increasing frequency.

Many school administrators point out that only a few years ago schools were wooed by the insurance industry as "good risks." Now this has changed. And school districts all over the country are reporting difficulty in obtaining insurance. Half the districts answering the Education U.S.A. survey said rates have increased. Many are either paying higher premiums, higher deductibles or, in all too many instances, having policies cancelled or flatly rejected.

About half those responding to the Education U.S.A. survey reported an increase in rates, although they had no increase in vandalism. The others, including several self-insured big city districts, reported they were victims of increased theft, vandalism and violence.

Insurance officials say it is this increase in theft, vandalism and violence, often leading to arson, that has caused the increase in rates, deductibles, cancellations and outright refusals of insurance. Frank G. Harrington, senior vice president of Insurance Co. of North America, explained the reason for the cutback of insurance to schools: "Today our product is in greater demand than ever before and yet because of the very thrust of economic and social circumstances we have been forced to cut back on its availability. As demand has increased, the supply of protection has decreased. For the principle of insurance cannot be made to work profitably in an age of crisis. It can only work where criminal acts are exceptions, where vandalism and arson are rare occurrences, where honesty and self-discipline replace permissiveness, where accidents are accidental and where inflation at most is mild.

"Because we have not yet found a way to make our product available in sufficient quantity to various members of the public, we are...an embattled and beleaguered industry. We are criticized widely--by public officials, the press and the public. Our public opinion surveys, conducted to help us with a critical sense of self-awareness and to illuminate both problems and opportunities, confirm that we must do a better job of both service and communication to enhance our reputation." However, many school officials do not buy the explanation of an industry going broke. They say "no facts and figures have been presented." They claim "the insurance industry is running scared." But the industry counters: "How do you rate a social risk?"

Help on the Way?

If insurance companies can't handle the growing cost of theft, vandalism, arson and violence, who can? The answer to many school officials is federal or state intervention, an idea the insurance industry dislikes. In the past few years, some states and the federal government have passed laws or adopted plans which can help many beleaguered school districts. Major among these is the federally backed Fair Access to Insurance Requirements (FAIR) plan. The plan, under the direction of the Dept. of Housing and Urban Development (HUD), provides aid in obtaining "essential property insurance" in high-risk areas. This, according to HUD, provides for "insurance against direct loss to property as defined and limited in standard fire policies and in (1) extended coverage, and (2) vandalism and malicious mischief endorsements thereon, as approved by the state insurance authority." To qualify for insurance aid under the FAIR plan, the state must participate. HUD lists 26 states, the District of Columbia and Puerto Rico as participants. Information about the plan can be obtained from HUD regional offices located in New York, Philadelphia, Atlanta, Chicago, Fort Worth, San Francisco, Seattle, Los Angeles and San Juan, Puerto Rico.

In addition to the FAIR plan, the HUD Act of 1970 says the federal government may enter directly into the business of selling crime insurance as of Aug. 1, 1971, in states where no such insurance is now available.

A number of states are also moving in the direction of easing the insurance problem. New Jersey recently passed a law permitting increased rates, which made it possible for many districts to purchase insurance. Formerly they had been denied insurance because of low rates. Twelve states also have "open competition" laws which allow rate hikes subject to later investigation. However, it has been noted that in Florida rates have been constantly going up under such a law. Some states have also passed laws permitting school districts to become self-insured. And many big city districts, such as Los Angeles, New York, Chicago and others, are largely self-insured.

A Suggested Risk Management Program

In addition to exploring available federal and state help for insurance, there are management practices beyond good housekeeping, security and protective devices which schools can adopt to make sure they get equitable insurance rates. One "risk management program" is detailed in Risk Management in Public Schools by Supt. Howard T. Roberts of Glendale, Ariz. He sets forth 24 recommended risk management practices with suggested models of such programs as administrative structure, risk identification and analysis, loss prevention and safety, records, insurance protection and claims and adjustment.

Roberts outlines the need for a new look by public schools in establishing and maintaining risk insurance: "The expanding scope of insurance programs, changes in property values, increased costs of buildings, reevaluation of the principles of governmental immunity and changes in social insurance seem to warrant a new look at the policies and practices used by public schools in establishing and maintaining risk and insurance management programs. The insurance needs of local districts will differ because of factors of age of facilities, construction, location and protected storage. However, there are certain practices and policies that will contribute to better risk management and protection and may lead to more economical costs." Roberts adds: "The first part of the risk management program is identification and analysis of risk. The risk must be assumed, abated, eliminated or insured. The answer may come from a better practice or policy for loss prevention and safety or an alteration to an existing building or facility, or it may call for a concerted effort on the part of the student body. If, on the other hand, it is impossible to use a facility, a practice or procedure without risk, it may be decided to eliminate the activity or use and thus remove the risk. If the risk is necessary, the district can then assume the responsibility for budgeting funds or transferring the risk to a commercial insurance company."

The Roberts program offers these suggestions:

- The local district should establish a risk management program with risk identification and analysis, a loss prevention and safety program, an insurance program, a claims program and a records program. Each district should recognize that a risk management program is an individualized program, constructed to meet the needs of that specific district.
- Districts should develop a statement of policy to serve as the guideline for risk management.
- The board of education should appoint one school official to be responsible for the risk management program. The board should see this responsibility as time consuming and consider the personnel carefully with regard to time available for the supervision of such a program and the training of personnel in managing a risk program.
- The person responsible for the program should establish and maintain a training program for district personnel in all areas of risk management.
- The risk manager should solicit the cooperation and involvement of all employes and students in the loss prevention and safety program. The risk manager should involve specialists in the program, if possible.
- Records of all facets of the risk management program should be complete, current and readily available for use in the district insurance program. Special forms should be developed for reporting purposes.
- The risk manager should establish and maintain current inventories and realistic appraisals.
- All types of insurance protection and insurance companies should be considered in placing insurance business. All means of economies in purchasing insurance protection should be considered by the risk manager and incorporated in specifications and directions to insurance companies.
- The risk manager should create an awareness, not fear, of risks on the part of district personnel.
- The risk program should be reviewed in its entirety at regular intervals.

WORKING WITH STUDENTS

Since students commit most of the vandalism and much of the violence, involving them in preventive programs is a must. Again, there are no pat answers. One often suggested answer is that school officials involve students in all kinds of decisions that affect them, from dress and hair codes to curriculum. The Syracuse survey, which referred to the principal as the "man-in-the-middle," said that the principal, especially in poverty communities, cannot be "'represented' by a lesser official." And, the report said, the principal must be "a very good listener...must be slow to react to vilification, obscene epithets or other verbal assaults...must produce repeated, frequent proof to students and his school's community that his administration is really working on the problems they all have--not co-opting students and parents or, worse, duping them. The one kind of administrator or teacher that city youngsters can spot quickly and clearly is a fake."

The report gave the following hints regarding disruptions:

- Remember that disruptive events are rarely carefully planned or programmed and are often triggered by an insignificant occurrence. "The best principals work hard to create a whole school setting where the probability of explosion is low."

- Know and develop a "feel" for how potential disrupters might respond in a tense situation.

- Get the authority to deviate from conventional administrative guidelines if an unconventional disruptive situation arises. "Above all, maintain a professional bearing throughout a disruptive event." If the students or a community group sense the principal is rattled, it will probably increase the "successful" disturbance.

Numerous useful programs have been developed to involve students. Here are examples:

San Antonio (Tex.) Independent School District has a series of 15 seminars for high school seniors to acquaint them with the intricacies of law and law enforcement. Called "Government Action," the seminars include not only how the law works, constitutional rights and how police agencies function but also vocational opportunities in law enforcement.

Portland, Ore., conducts a Saturday meeting for hundreds of youngsters in numerous schools during which they can learn through graphic displays how vandalism damages their school and hurts their education.

Other suggestions from schoolmen reporting to Education U.S.A. include getting kindergartners to express ideas on the subject; using community clean-up campaigns to get into the subject and to stimulate pupil cooperation; letting children participate in making their classrooms and schools more attractive; encouraging community youth groups and churches to participate in beautification and vandalism education programs.

Expulsion, Student Discipline and Vandalism

Is expulsion, in-school detention, spanking or tougher discipline the answer--or one of the answers--to increasing vandalism and violence? In the heat of anger, frustration, the shock of particularly destructive or violent incidents, these are often proposed as the first "solutions." Parents and many school officials call for a "crackdown" on "malcontents and hoodlums" and the firing of any school person who can't control them.

Disciplinary measures, however, may be more of an exercise in venting frustration than a realistic solution. Expulsion causes a real dilemma in many school districts and results in many of the so-called "outsiders" causing problems. Yet there is debate on the issue.

Some principals feel that short-term expulsion--several days--is avoiding the issue. This point was made by the New York High School Principals Assn., which said that New York's short-term expulsion policy only briefly interrupted some students from their mischief making and destruction. An association spokesman said in 1969, when the district's security guard program was being proposed, that it "...does not provide for any real method for educating the hostile, the arrogant and the criminal."

On the same subject, another New York City educator said 80% of the problem could be stopped if the schools could be freed of 4,000 to 5,000 students who are causing difficulties. Another critic declared: "You have kids in schools who are guilty of assault, arson, rape and dope pushing. They are suspended and back in school in one day." He added that for some reason many city and other officials feel the schools can handle them, although the jails and other social agencies can't. Someone has to realize that "some kids are not educable," he said.

The Syracuse survey noted that all the high schools it studied "retain the age-old power and practice of suspension and expulsion." It pointed out that "overcrowding" has been used as an excuse for dismissal--in many cases, without the benefit of due process.

"The dilemmas are real," said the report. "A few disruptive students can make it quite impossible for the majority in the school community to carry on normal educational functions. On the other hand, throwing disruptive students out of school is likely to increase delinquent behavior in the wider community and to produce a nucleus of very real 'outside agitators' who return to the school building or its periphery for purposes of further disruption."

San Francisco's James J. Hamrock also stressed the suspension problem in his testimony to the California committee probing attacks on teachers.

Suspension, he said, seems to create drifters from school to school. He noted that in 1963-64 San Francisco had 5,800 students on suspension. This figure went up to 14,288 in 1969-70.

The Senate Subcommittee on Juvenile Delinquency claimed in its 1970 report that many schools encourage unruly students by taking the wrong action first. The minimum step is to remove them, the subcommittee said. "Then, the next step is to treat them." The Syracuse survey also stressed that disruptive children should be treated, rather than disciplined. It said the practice of requiring suspended or expelled pupils to bring a parent or other adult to school with them in order to be reinstated "can brutalize the troubled and troublesome youngster even further by involving punishment-prone parents in the disciplinary process."

Detention, such as forced study halls, dark closets or a prison-like atmosphere, while providing a "custodial function," probably does no more good than prison does for criminals. The rate of recidivism is high in both cases. Rather, the report stressed, the answer might lie in attempting the more expensive and more difficult humane approach of the "positive influence of able guidance counselors or supervisory personnel who take the time and trouble to work with a disturbed youngster."

The social costs of "detention psychology" are inordinately greater than those of "intelligent, psychological rehabilitation," the report said. But too few schools understand this reality and fewer have tried a more positive approach. "The most exemplary practices we have observed in a number of urban settings have involved special schools for the 'unruly,'" the report said. "These are usually designed to be short-run, socializing agencies (often with non-school environment) in which intensive efforts are made to 'get through' to the student, to discern the nature of his problem and to help him in a personal way back to the heightened socialized motivations. An example of this type of public institution is the '600' schools in New York City. Private examples in New York state would be Children's Village in Westchester County or St. Christopher's School at Dobbs Ferry. Unfortunately, such arrangements are rare. Far more common are practices symbolized...by an old and decaying high school in the East where students in detention spend their time copying the Bill of Rights over and over again."

Of course, there are numerous other examples of schools attempting to deal with troubled and troublesome younsters in a positive way. California requires that all districts provide continuation high schools. Students in these schools are usually the dropouts, the "turned off," the troubled and the troublesome. In an attempt to prevent these schools from being primarily custodial institutions, many of the better ones try to provide individualized programs for their students, who often have jobs and attend school only part time. San Francisco's Opportunity High School has received glowing praise from some of its students. They urged the school board to approve another like it. Said one student: "It's really pathetic that there are a lot of kids walking the street with no school to go to, and even with no home to go to, and some are selling dope. Opportunity High provides part of the answer."

There is no evidence to show that a "crackdown" in discipline, spanking, suspension or expulsion does much more than intensify the problem in many cases and in too many school districts. There have been no concrete, positive results even in cities which have laws punishing parents for the acts of their delinquent children.

Restitution: A Part of the Battle

About two-thirds of the districts responding to the Education U.S.A. survey reported they take civil action against pupils (or parents) when vandalism guilt is established. This at first is usually a request for the parent to pay the damages or a portion of them (some states have a limit). If the request is ignored, action is taken in small claims or superior court.

However, school officials say the amounts recovered are "minimal," "disappointing" or "very low." A number of them complained that they get little cooperation from the courts. Many children involved in vandalism come from poor homes where deprivation exists and restitution is impossible. Other deviant children often hold financial responsibility laws as a club over the heads of their parents.

Though they do not have high hopes that vigorous attempts at restitution will have any dramatic effect on curbing vandalism, many school officials are making such programs a part of their overall battle against vandalism. Evidence can be found in the Baltimore report which shows that the average collected in restitution on a per-pupil basis rose steadily from 1966 to 1969.

In the 1966-67 report, for example, the gross per-pupil loss for the 39 reporting districts was $1.20 and restitution averaged 7 cents, an average net loss of $1.13. In 1967-68, gross loss was $1.87 with restitution increasing to 18 cents, a net loss of $1.69. In 1968-69, gross loss was $1.91 with restitution up to 28 cents, a net loss of $1.63.

Los Angeles is among the districts vigorously pursuing restitution. It told Education U.S.A. it was pressing a policy of taking parents to court to pay for damages caused by their children. In November 1970, suits against parents had passed the $100,000 mark. Damage awards had reached the $17,592 mark. Many of the cases were listed as "pending." Los Angeles also reported that the district had won 49 of 50 cases filed in 1969. The district had recovered $21,203 in direct collection efforts in 1969-70. A district report notes that letters are sent to parents demanding payment if the damage is over $20. As many as five letters are sent before court action is initiated.

A number of districts make students work off their debts for vandalism damage. Oklahoma City follows this policy. It also may notify parents that the student's report card will be withheld until damages are paid or a student work agreement is arrived at. Bud Tatum, director of the Oklahoma City schools' security department, said the work system is generally for students whose parents can't afford to pay for damages. The student can work off the debt at $1.75 to $2 an hour, performing gardening and other tasks.

"Sometimes, where painting is involved, the district may furnish the paint," said Tatum. "But we make the child do the painting, to cover up whatever he's written on the wall. The approach depends on the circumstances."

Flint has about 15,000 visitors a year who come to study the program, says Clancy. "And most of the visitors are astonished at the good condition of schools that are 30 to 40 years old. There's nothing written on the walls, for example.... We even roller skate on the gymnasium floors, with special skate wheels. We've found it impossible to wear out a school."

Flint is not entirely free of vandalism, says Clancy. He points out, however, that the schools are open to the community every night for various programs, some until 11:30 p.m., and all day Saturday. Clancy says the vandalism that has occurred, in several of the "inner-city schools," happened after the schools closed on Saturday or on Sunday. "Out of 50 schools, there are only about three where we have had vandalism and that's usually glass breakage," says Clancy.

The Flint schools became involved in a total community-school program because the 1935 recreational experiment in six schools did little to eliminate juvenile crime. While thousands of children participated in the early program, juvenile crime was not deterred.

"Investigations revealed that children behaved well on the playground," says a brochure on the program, "but when they returned to tragic homes, they reverted to the influence of their environment. Thus a second need was recognized."

This second need was that something had to be done to help families with delinquent children, especially those from deprived homes. Six visiting teachers were trained to go into the homes and, as the brochure relates, "the tragic conditions provided the impetus for the first stirrings of an adult education program." Also out of this nucleus came the numerous other programs that make up Flint's school community concept.

Flint stresses that what the district is doing "is not original." But it is "long-lived, broad in scope and of value in proving the worth of community assumption of responsibility for solving community problems."

The programs used by Flint are varied:

- Better Tomorrow for Urban Child--This is a preschool program aimed at more effective citizenship, including raising the level of school readiness, developing motivation for learning, improving the child's self-image and improving teacher-community relationships. The program consists of six major segments: prekindergarten, inservice training, health, curriculum development, enrichment through community schools program, provision of instructional materials.

- Mott Crime and Delinquency Prevention Program--This is a county jail rehabilitation program which offers high school courses, testing, group therapy, remedial reading, job placement, work release and follow-up services to inmates. Also included is a positive action program for youth on probation, a juvenile home enrichment program and police-school cadets.

- Regional Team Approach to Pupil Welfare Problems--See the outline for this program on the following page.

COMMUNITY INVOLVEMENT: AN ESSENTIAL INGREDIENT

Most school officials responding to Education U.S.A. queries said the answer to ending, or at least drastically minimizing, vandalism and violence lies in the community. They said parents, students and citizens must be involved "completely." They seemed to agree with the Syracuse survey: "A community which does not feel it has effective ways to make use of the high stakes it has in its school will treat that school in a negative way."

Getting the community involved, however, is not simple. Apathy, suspicion, pointing the finger of blame at others or at the schools, all exist in the community. Many school districts are exploring ways to overcome this community inertia and suspicion. Programs being tried are often referred to as action rather than reaction programs.

Flint Shows How It's Done

A "lighthouse program" for involving the community, the Flint Community School Program, is being emulated by more than 400 districts. The Flint program was started in 1935 with $6,000 contributed by the Charles Stewart Mott Foundation of Flint.

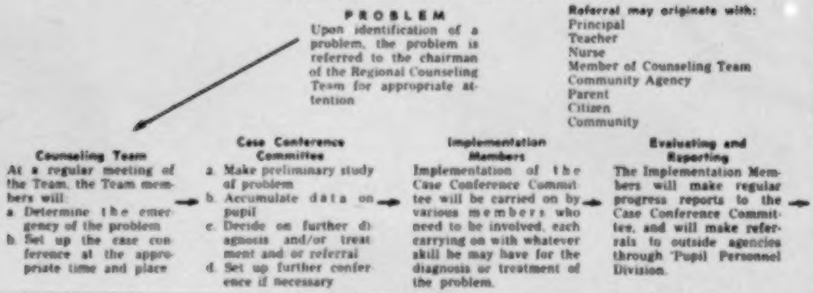
Initially it was an after-school recreational program for youngsters in six schools. The program now involves 92,000 persons per week. This means schools are operated 3,800 hours annually instead of the traditional 1,400.

In-school and after-school activities under the direction of a community school coordinator in each school include adult education, recreation, arts and crafts, health clinics and forums, teen counseling, social enrichment, job counseling and placement, the police-school liaison program, regional counseling teams, personalized curriculum programs, preschool programs and crime and delinquency prevention programs.

To carry on these programs, the Mott Foundation has contributed an estimated $20 million to the Flint schools. Flint spends about 5% of its school budget on the programs and Flint educators credit the programs and their influence on the community for the passage of eight successive tax-increase elections in 18 years.

Asst. Supt. Peter L. Clancy, director of the Flint program, claims it is preventing vandalism. "We have very specific, concrete results," he says. "The teenagers think of the schools as the place they play basketball--their place--and they don't throw rocks at it."

REGIONAL TEAM APPROACH TO PUPIL WELFARE PROBLEMS



PROBLEM

Upon identification of a problem, the problem is referred to the chairman of the Regional Counseling Team for appropriate attention

Referral may originate with:
Principal
Teacher
Nurse
Member of Counseling Team
Community Agency
Parent
Citizen
Community

Counseling Team

At a regular meeting of the Team, the Team members will:

a. Determine the emergency of the problem
b. Set up the case conference at the appropriate time and place

Case Conference Committee

a. Make preliminary study of problem
b. Accumulate data on pupil
c. Decide on further diagnosis and/or treatment and or referral
d. Set up further conference if necessary

Implementation Members

Implementation of the Case Conference Committee will be carried on by various members who need to be involved, each carrying on with whatever skill he may have for the diagnosis or treatment of the problem.

Evaluating and Reporting

The Implementation Members will make regular progress reports to the Case Conference Committee, and will make referrals to outside agencies through 'Pupil Personnel Division.

Counseling Team

1. Dean of Students
2. Dean of Counseling
3. Nurse Counselor
4. Visiting Teacher
5. Police Counselor

Case Conference Committee

1. Counseling Team
2. Representatives from schools involved; such as:
3. Representatives from Pupil Personnel Division
4. Representatives from Community Agencies; such as:
    Principal
    Nurse
    Teacher
    Parochial
    County
    Community School Director
    Court
    Child Guidance
    Family Agencies
    Urban League

Implementation Members

Any of the Personnel from the Case Conference Committee, who are involved with further diagnosis and/or treatment.

Flint lists positive results from its programs. Among them:

- The program avoids duplication of efforts by public agencies. It also encourages other agencies, as well as the schools, to be responsive to human needs.

- The program encourages many adults to obtain a high school diploma and to continue with their education.

- Support has tripled and quadrupled for such agencies as Red Feather, YMCA, YWCA, Boy Scouts, Girl Scouts, Big Sisters and others.

- Enlightenment of broad segments of the community has led to progress in correcting social injustices.

- Flint was the first major American city to elect a black mayor and the first to pass a referendum favoring an open occupancy ordinance.

For more information on the Flint Community School Program, write: National Community School Education Assn., 923 E. Kearsley St., Flint, Mich. 48502.

APPENDIX

SUGGESTIONS FOR SECURITY

The Los Angeles City School District has developed a Manual on Property Protection which was distributed to all district schools. Excerpts from the manual follow:

PLANT SURVEY

The first consideration in the care and protection of property is the matter of plant security. This can be determined only by a physical survey of the buildings and grounds in order to check their vulnerability to attack. Those making such surveys should consider plant security in relation to both vandalism by juveniles and attacks by professional burglars who are seeking money, audiovisual equipment, business machines, etc. Other areas of difficulty also are discussed for the purpose of drawing attention to dangers other than those of theft and vandalism.

Doors and Windows

All outside openings should receive special attention. Doors should be examined as to the type of glass in the panels, if any, and the possibility that the glass might easily be removed or broken out permitting reaching the inside latch or knob for the purpose of opening the door. Door locks should be examined to determine whether they are in good condition or may be "slipped" by insertion of a knife blade or similar object. The space between double doors may require the mounting of a metal plate to eliminate the possible insertion of a wire and thus the operation of the panic bar.

The height of windows above the ground should be considered as well as whether they may be observed from the street or neighboring houses. Windows and doors that are concealed from view by trees or shrubs provide burglars with excellent points of entry into buildings. If windows seem especially vulnerable, it may be deemed necessary to install heavy screens, bars or grills.

Roofs

Easy access to roofs constitutes a hazard which should be eliminated if possible, and roof hatches should be fastened securely from the inside in order to avoid entry via this route. (Contrary to general consensus, the local fire department has approved securing roof hatches "provided that the method of securing does not prevent reasonably fast access to the roof for emergency purposes.") Transom windows which provide entry directly from roofs into classrooms or offices should be provided with safety installations to prevent such entry.

Fences

Fences serve a dual purpose. They are, most importantly, erected to prevent children from running from the school grounds into the streets with the possibility of injury, but they also serve the purpose of discouraging entry to the grounds and buildings. Attention should be directed to the complete enclosure of grounds, and at the point where fences connect with buildings it should be ascertained whether the structures themselves provide a means of climbing over the fence. Gates should be locked when school is not in session. The erection of fences and the careful securing of gates eliminate the probability that school premises may become public thoroughfares.

Fire Hazards

No security survey is complete without consideration of fire hazards. The entire plant and grounds should be carefully examined with regard to locations of combustible materials, and where danger exists the situation should be remedied immediately. Such conditions should not be allowed to exist, even temporarily. The handling, storage and moving about of inflammable materials should receive continuous attention.

EQUIPMENT SURVEY

A careful survey of the interior of a plant will determine the exposure of equipment to attack by burglars seeking to carry it away. One important point to consider is whether a specific piece of equipment is in the best location in relationship to its frequency of use. Past experiences have proved that equipment getting infrequent use is too often left in a vulnerable location when not too great an inconvenience would be encountered by keeping it safely locked away when not in use. This particularly applies to such items as projectors, radios, transcription machines, television sets, etc. When business machines are placed in a permanent location, including machines in typing classrooms, they should be bolted securely to tables or desks. This has been done in many school plants with extremely good results. Another suggestion is that typing classes be located on upper floors. Burglars like to strike fast and run, and are not likely to spend much time with equipment so secured and so situated.

Cupboards and Closets

There has been much comment regarding the locking of cupboards. Some administrators feel that they should not be locked because a prowler bent on stealing the contents can force the doors and considerable damage results. This same principle might be applied to other situations, even to the locking of doors and windows of school buildings, since anyone determined to force an entry can do so by the application of the necessary force. However, since many entries may be discouraged, it is recommended that cupboards be securely locked at all times. Many school administrators, in evaluating the physical facilities of their plants, make a determination as to the best location for storing equipment which is not in constant use. The best location seems to be a closet with a solid door, a good lock and with no exterior window. If practical, the selection of several such locations is recommended.

Bungalows

Bungalows and other isolated buildings are targets for break-ins; therefore, a minimum of equipment should be kept there. Much equipment is stolen from isolated buildings, particularly from bungalows, since they are usually of less sturdy construction and are comparatively easy to break into. Bungalows have been the subject of many arson cases, and this factor should be considered in the storing of valuable equipment which might be destroyed by fire and in the storing of inflammable liquids such as paint thinners, etc. Bungalow windows should be equipped with shades or venetian blinds which may be drawn when school is not in session. This can prevent easy "casing" of equipment and supplies which must be left in the building because it is impractical to remove them each night.

INVENTORIES

Keeping accurate inventories is a definite responsibility of administrators. Valuable equipment is entrusted to their care, and the absence of a complete, accurate and up-to-date inventory, in addition to showing a lack of attention to such matters, may prove to be embarrassing if the administrator is subpoenaed into court, which he may well be, to testify regarding the identity and ownership of equipment placed in his school or office.

Inventories, to be useful in court, must be current. A complete inventory must be taken at least once a year. In addition to being accurate and complete, an inventory must bear the signature of the employe who conducted it. It is important that one person be responsible for these records and that this person be prepared to testify that he (or she) personally read and recorded the serial numbers and other descriptions of each item.

The most valuable inventory is one in which the permanent location of each item of equipment is noted. In cases where equipment is moved from room to room a notation should be made showing such relocations in order to assure control and responsibility. This method also provides a speedy means of accurately reporting losses in case a burglary takes place.

WALK-IN THEFTS

One form of theft which causes great irritation to employes of the Los Angeles City School District, as well as being a source of considerable loss of Board of Education property, is that of the walk-in burglar. This person enters school buildings, during daytime hours, for the sole purpose of committing a theft. His method of operation is to roam about the hallways or in and out of unoccupied classrooms seeking an opportunity to steal a purse or other personal property of employes or to carry away items of equipment which are easily handled.

This criminal, if accosted, pretends to be a workman, to be looking for employment, to be trying to contact his child, or uses some other subterfuge. He is usually familiar enough with school procedures to make his story seem somewhat plausible.

The best protection against such violators is to be constantly suspicious of strangers or persons unknown to employes and to demand identification. If the person is unable to produce proper identification, he should be escorted, not directed, to the office of the principal. In any event, the license number of any automobile driven by the suspect should be obtained. If the principal is unable to resolve the matter to his satisfaction, he should contact the police and the Security Section immediately.

KEY CONTROL

This is a complex problem. Administrators are concerned with providing proper access to school areas for persons who must work in those areas. At the same time, they are concerned that the improper issuing and care of keys not constitute a hazard to security.

The following is quoted from Board Rule 1705--School Building Keys for Elementary, Junior High, Senior High and Adult Schools:

> Possession of master keys shall be limited to the engineer, watchman, custodian, principal, vice-principal, and other personnel as designated by the principal. At the beginning of each school year, keys to individual rooms shall be issued by the principal to each regularly assigned teacher. At the close of each school year, or when a teacher will no longer be assigned to the school, whichever occurs first, keys previously issued to him shall be returned to the principal. Each principal shall keep in the office complete sets of individual room keys to be loaned to day-to-day substitute teachers when they are assigned to the school. These keys are to be returned to the office at the close of each school day.

SECURITY LIGHTING

The matter of security lighting at school plants has been the subject of debate by administrators. The present policy regarding decreased lighting is geared to provide proper protection to property with the accent on inside lighting of the buildings. This policy is supported by statistics and past experience of those charged with providing property protection. Administrators are expected to follow the security lighting recommendations of the Security Section. These are established by on-the-spot surveys conducted during the nighttime hours. Should there be any doubt regarding lighting, the Security Section will assist in clarification of the matter.

OPENING OF NEW SCHOOL PLANTS

In the period prior to and during the first few weeks of actual operation, board of education property is constantly being received at new school sites. Also during this period, workmen of various contractors, subcontractors, vendor's deliverymen, etc., are active at such schools. This is a period of extreme hazard to board of education-owned property.

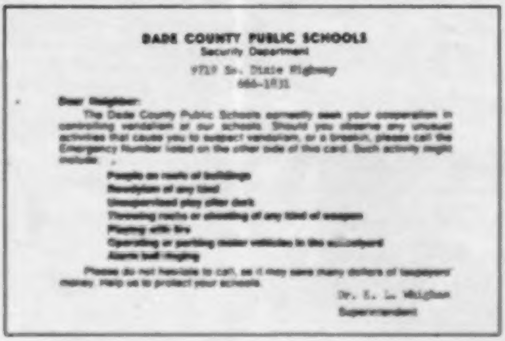
Upon arrival of a shipment of supplies or equipment, all items should be carefully checked with invoice and shipping order as they are unloaded. Great care should be exercised in the storage of such items pending their distribution to their permanent destinations throughout the school.

It is suggested that only administrative personnel possess keys to receiving or storage areas and that all non-board of education employes be constantly supervised when, of necessity, they must work in these areas.

It is recommended that prior to the acceptance of the completed school plant, or at such time as the first board of education-owned property is delivered to a new site, the key control of the storage area be restricted to board of education supervisory personnel and not with the contractors. In the past severe losses have been sustained through the use of lost keys, misappropriated keys, unauthorized use of keys, and/or mysterious disappearances. The Security Section will cooperate in matters of selection of storage sites or key control at new school plants.

APPENDIX

The Dade County (Fla.) Public School District sends the following "post card" to neighbors of its schools seeking their cooperation in reducing vandalism:



DADE COUNTY PUBLIC SCHOOLS
Security Department
9719 So. Dixie Highway
666-1831

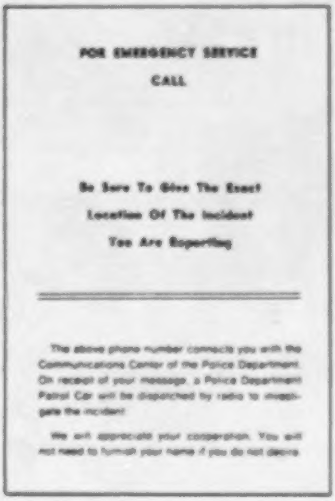
Dear Neighbor:

The Dade County Public Schools earnestly seek your cooperation in controlling vandalism at our schools. Should you observe any unusual activities that cause you to suspect vandalism, or a breakin, please call the Emergency Number listed on the other side of this card. Such activity might include:

People on roofs of buildings
Vandalism of any kind
Unsupervised play after dark
Throwing rocks or shooting of any kind of weapon
Playing with fire
Operating or parking motor vehicles in the schoolyard
Alarm bell ringing

Please do not hesitate to call, as it may save many dollars of taxpayers' money. Help us to protect your schools.

Dr. E. L. Whigham
Superintendent



FOR EMERGENCY SERVICE

CALL

Be Sure To Give The Exact
Location Of The Incident
You Are Reporting

The above phone number connects you with the Communications Center of the Police Department. On receipt of your message, a Police Department Patrol Car will be dispatched by radio to investigate the incident.

We will appreciate your cooperation. You will not need to furnish your name if you do not desire.

APPENDIX

The Dade County (Fla.) Public School District has prepared the following form letter to send to parents of children involved in damage to its schools:

May 1, 1969

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

Dear XXXXXXXXXXXXXX:

The following information has come to the attention of this office regarding damage to public school property by your child:

Name: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
School Involved and Date: Melrose Elementary
From October 1967
To September 1968
Total Cost: $133.99 Your Share: $66.99

Under the Florida Parent Responsibility Law (Florida Statutes 45.20), the parents of a minor child are liable for such damage. Will you, therefore, please use the enclosed envelope to mail a check or money order for your share made payable to the DADE COUNTY BOARD OF PUBLIC INSTRUCTION.

Your prompt attention to this matter will be appreciated.

Sincerely yours,

John W. Tyler, Director
Security Department

Enclosure
cc: Principal

Youth and the Administration of Justice

A Model Educational Program on Law and Citizenship For Schools

Authors
Richard Weintraub
Sandra Morley

Edited by
Todd Clark

CONSTITUTIONAL RIGHTS FOUNDATION
Youth and the Administration of Justice Project
under a Grant from the Law Enforcement Assistance Administration
Grant Number 73-DF-09-0040

Foreword

The project described in this report was initiated as a pilot program by the City of Pasadena and the Constitutional Rights Foundation during the 1973-1974 school year. Funds were made available through a discretionary grant from Region IX of the Law Enforcement Assistance Administration. LEAA has become increasingly convinced that well-conceived and implemented education programs can be of great value in developing a citizenry which supports due process of law.

Mayor Tom Bradley of Los Angeles became interested in the project objectives and approach and asked to see some evidence of student reactions to the program. As soon as he was satisfied that the project model did involve students effectively in a study of the criminal justice system, the Mayor became a supporter of the efforts of the Foundation to expand the project throughout the Los Angeles City Unified Schools. Since the end of the pilot year, with the help of the Mayor's office, additional funding has been secured through the Los Angeles County Regional Justice Planning Board and the California Office of Criminal Justice Planning for the expansion of this program throughout the Los Angeles City School System.

Over a three-year period, the expanded project will be presented for implementation to the area superintendents of all twelve administrative districts in the school system. At the conclusion of the funding period, it is expected that this model will have influenced most of the junior and senior high schools in the city to continue offering elective courses on the administration of justice which emphasize community-based learning, extensive use of outside resources in the classroom and student peer teaching.

There are many groups and individuals who deserve our thanks for their help during the pilot year of the project. In particular, Cornelius Cooper, Director of Region IX of LEAA, Mr. William Boone of the Pasadena's Mayor's Office, and Mr. Clayton Knauss, Assistant Controller of the Finance Department of Pasadena were responsible for making the project possible. In addition, Chief Robert H. McGowan and Sgt. Terry Blumenthal of the Pasadena Police Department and Lt. John Cowan of the Long Beach Police Department, the Pasadena, Long Beach and Los Angeles City Schools, Jerry Kaplan, Pasadena Probation Department, and Douglas McKee of the Los Angeles County District Attorney's Office deserve special thanks for their special contribution to this program. Thanks also must be given to the heads of each city and county justice agency for recognizing the need for and participating in this program.

Project Summary

Funded by the Law Enforcement Assistance Administration for 1973-1974, under Grant No. 73-DF-09-0040, this project was designed to increase both student knowledge about, and positive affect toward, the justice system as institutionalized within the United States today. Within that larger framework, increasing positive self-concept and the building of peer-teaching and other personal skills among students, as well as the modification of justice personnel attitudes towards students, were seen as important and related sub-goals.

Three schools (Muir, Jordan and Roosevelt High Schools) in the Los Angeles area were chosen as participants. Besides attendance at regular classes taught five days a week during the school year, three teacher-coordinators and some seventy-five students were trained intensively in a ten-day workshop. (Part of them had this experience prior to the opening of school, most of the remaining students during school vacation.)

Although that intensive training included presentations by lawyers and other justice department personnel, as well as participation with members of police departments in educational games, its primary emphasis was experimental.

Much took place in the field with working members of various justice agencies (e.g., riding along with the police and observing booking and communication facilities, hearing interviews and observing courtroom cases with a district attorney and deputy public defender, spending part of the time with judges, probation and parole officers, and representatives from the Department of Community Services).

Broadly speaking, the work of the program fell into four categories:

1) *Class Research.* Ad-hoc committees were set up in each class to explore various aspects of the justice and legal system. These groups then developed learning packets, such as multi-media presentations, mock trials, and case studies, which were then taught to their peers in other classes and other schools. Categories of investigation included arrest and confinement, the courts, sentencing, corrections, rights of an accused, juvenile justice, the development of organized crime, and juvenile gangs. In most cases, students were encouraged to research these topics through field experiences in the various agencies that took place throughout the year. Each class was responsible for the development of learning packets, each student, for at least one peer-teaching activity.

2) *Presentations by Resource Personnel.* Representatives of agencies such as the California Highway Patrol, the police of various communities, FBI, the Los Angeles Public Defender's Office, the Los Angeles District Attorney's office, the Los Angeles County Probation Department, the California Youth Authority, the Department of Community Services, the Los Angeles County Coroner's office, and the Pasadena City Prosecutor made presentations in the classrooms. Throughout the year, law student advisors from the University of California at Los Angeles Law School, the law school of the University of Southern California, and Southwestern University School of Law, worked within the experimental classrooms, helping students to understand, for example, the purpose of a preliminary hearing, to prepare for a mock trial, and to research materials for individual or small group projects.

3) *Small Group Activities.* These included visitations to the courthouse and interviews with district attorneys, public defenders and judges, and visits to correctional institutions (e.g., juvenile hall facilities and interviews with juveniles awaiting trial and detained for various reasons), probation and parole area offices, the police department, and other agency headquarters.

4) *Classroom Role-Play and Simulation, In and Out of the Classroom.* Students engaged in role-play and simulations on police and arrest procedures, preliminary hearings and mock trials, the jury selection process, and simulations on juvenile and adult sentencing hearings. Most dramatic was a simulated arrest — an experiment at John Muir High School, which was conducted with the cooperation of the Pasadena Police Department under circumstances that were so realistic that some participants were unaware that it was a simulation.

Part I
The Project: Objectives and Organization

I. Program Background

The serious problem of juvenile delinquency, especially in such high crime areas of Los Angeles County as Long Beach, Pasadena and East Los Angeles, called for the development of a new educational approach in an effort to develop positive attitudes and behavior regarding law and the administration of justice in our society.

Numerous national studies on youth attitudes toward law, authority and the police have discovered a uniformly high degree of hostility toward the police on the part of school-age young people ages 12-18. The research demonstrates that positive attitudes of younger children change markedly beginning around age twelve, and remain negative until the late twenties when positive attitudes again become the norm (Bouma, Portune, Purdue Opinion Panel, Easton and Dennis).

Other studies have been conducted which show that secondary school students and adults have little knowledge of either the process or the substance of the American legal system. Such basic procedures as the adversary nature of adjudication, right to counsel, functions of the prosecutor, etc., are either unknown or misunderstood by most American students and adults (CBS Citizenship Test, Purdue Opinion Panel, Pock, Ratcliffe).

For the most part, educational efforts have been primarily geared to improving attitudes toward police through campus resource officer programs and improving knowledge of law through the introduction of new curricular material. While both approaches are laudatory and must continue, neither deals broadly enough with the roots of the problem. It is also important to note that the emphasis on the police function tends almost entirely to overlook the role of other agencies charged with the administration of justice in our society. Programs which omit the role of the courts, probation and parole, the District Attorney and Public Defender's offices, and the activities of community service agencies tend to leave the impression that the police are the only active and concerned agency in the system to the detriment of student understanding of the administration of justice as a whole.

We believe that young people of every socio-economic group are not hostile to authority, per se, but develop hostility as the result of direct and unsatisfactory contact with adults in positions of authority in schools and in the justice system. As Dr. Edward Stainbrook of the USC Medical Center has pointed out, the so-called "permissive" child-rearing practices of our society have produced young people who do not respect authority for its own sake but, who believe sources of authority must earn respect by acting fairly. A major study of youth attitudes toward authority conducted in five industrialized nations, including the United States, demonstrated that young people of all socio-economic groups are well aware of the need for laws and authority, but they believe the processes of government must be understood by the citizen and administered in an evenhanded fashion by the state (Tapp). But because the young do not always understand how or why the system functions, many routine practices of justice agencies appear to be unfair, capricious and destructive. The woeful lack of information regarding the American legal system must be counteracted.

Classroom instruction and the development of community experiences more profound than field trips must be provided so that students and teachers can better understand how justice is administered in our society. In response to this need we have developed an educational approach which brings young people in contact with those who represent the justice system in the streets, jails, courts, law offices and rehabilitative agencies.

If young people are to consider careers in justice agencies and if proportional representation by members of minority groups among employees of justice agencies is to occur, all youth must also be given a chance to look positively on career opportunities that exist. Therefore, the development of career knowledge within justice agencies and improved attitudes are both basic to achieving a well-rounded level of community understanding.

We believe this program is a unique effort to improve the knowledge and attitudes of young people regarding the administration of justice in our society, and to improve the attitudes toward young people held by the adults who administer the justice system.

After one year, we believe this project achieves the following objectives. Students in the experimental classes are:

1. Able to demonstrate increased knowledge of criminal law as measured by pre- and post-testing.
2. Able to demonstrate increased knowledge of procedures used to administer justice by police, district attorney, public defender, superior and juvenile courts, probation and parole, and the community services agencies as measured by pre- and post-testing.
3. Able to demonstrate improved attitudes regarding the men and women who administer justice in our community as measured by pre- and post-testing.
4. Able to demonstrate a knowledge of the career opportunities which exist within the justice system as measured by pre- and post-testing and by knowledge of job requirements.
5. Able to demonstrate improved attitudes toward authority in general and the importance of the individual as measured by pre- and post-testing.

In addition, and as a result of this project, we believe students who participated as peer teachers are:

Able to demonstrate increased self-respect and positive attitudes toward the system as measured by interviews and teacher evaluation.

In addition, and as a result of this project, we believe the adults in the justice system who participated are:

Able to demonstrate improved understanding and better attitudes toward young people in general as determined by interviews.

II. Program Organization — Methods and Timetable

The project was organized and presented through a special senior high school elective class on the administration of justice at John Muir High School in Pasadena, Roosevelt High School in East Los Angeles, and Jordan High School in Long Beach. Unlike the best curriculum development projects which tend to deal with law from a conceptual point of view through written materials, this program stressed how the justice system worked in practice. It explored the interrelationship between all agencies in the system from an operational standpoint. With project staff assistance, students developed materials and activities which were presented in other junior and senior high school classes in their communities. Each semester, core classes from the three project high schools provided student peer teachers to hundreds of students at their senior high school, at other senior high schools in the area, and to hundreds in feeder junior high schools. In addition, the three school complexes presented conferences and seminars on the justice system for several thousand students and adults from surrounding schools and throughout Los Angeles County.

III. Contacts

The success of the program was dependent on the complete support of all appropriate justice agencies and school districts. A letter to the heads of each of these justice agencies and departments was sent requesting their participation in the program and asking them to assign a representative to act as liaison with the Constitutional Rights Foundation. A meeting was also held with local city and county school superintendents and the formal proposal for the project was submitted to local boards of education for approval.

IV. Staff

The project staff consisted of a Director, and two Assistant Directors, a Project Advisor on the criminal justice system, a professional evaluator and three secretaries. The Project

Director had overall responsibility for program development, implementation, management, and staff supervision. The Assistant Directors were responsible for assisting the Director with his responsibilities and for successful implementation, management, and staff supervision. The Assistant Directors were responsible for assisting the Director with his responsibilities and for the successful implementation of major project activities such as county and school complex conferences and seminars, and the development of learning packets and peer teaching assignments. A specialist in the criminal justice system was selected to work with the project as an advisor and was in charge of the program at local law schools which provided law student participants for the project.

An Advisory Committee made up of representatives of all cooperating groups was formed to advise the Project Director and to ensure the continuing support of all cooperating groups. An Evaluator with extensive experience in developing and administering evaluation projects was employed to organize control groups, develop and administer pre- and post-tests, develop interview instruments, hire and train interviewers and supervise the entire project evaluation. This individual also had the responsibility of preparing the final project report.

V. Teacher and Student Selection

The teachers for each of the three elective classes were selected by their school principals. In addition to regular teaching responsibilities, the teacher was expected to spend a substantial time coordinating the project in his area. Teachers selected came to the program with a disparate approach to teaching and with a varied background in their knowledge of law.

A portion of the students selected were highly motivated and/or exhibited leadership abilities and were able to relate to adults and youth. Roughly half were scheduled into the class on a random basis and had no special background or interest in the subject. Approximately thirty students were enrolled in the classes at each of the three schools.

A summer training session was held for the three teachers and ten students from each school. The remaining twenty students in each class were either hand-picked, selected at random on a voluntary basis, or were programmed into the class because counselors felt the students needed a program of this kind. Despite the difference in programming, the classes at each school represented a cross section of ethnic groups and academic abilities.

Project teachers were compensated for participating in a ten-day training institute, four Saturday conferences, two 2-day weekend evaluation conferences, and 125 hours of supervisory time with students for after-school activities and presentations. Students were compensated for the in-service training workshops and for their peer teaching session.

VI. Field Based In-Service Training

We believe it is important for all programs on law and citizenship education to include in-service training programs for teachers. The project in-service training sessions were organized and led by staff using as instructors lawyers, police officers, and educators well versed in techniques of classroom application.

The ten-day in-service program was planned to provide a series of intensive experiences on the criminal justice system and the teaching of law. Participants were given additional reinforcement throughout the year to add to their basic knowledge about criminal law.

Twenty-five students and three teachers from the project schools took part in the first in-service workshop prior to the opening of school. Participants were given an orientation to the program and background literature on the justice agencies, audio-visual guidelines and equipment. A presentation was also made on the criminal justice system by Professor Norm Abrams of UCLA Law School. Several educational games, including the "Police Patrol" simulation game, were played with representatives of the Riverside and San Bernardino police departments. Other resource people also participated in the program.

Most of the workshop was devoted to field experiences in each of the justice agencies. Students and teachers spent a day with the police touring the police communication facilities, becoming acquainted with booking procedures and patrol duty. They also spent one day each with a deputy district attorney and a deputy public defender during which they received orientation to the agencies, heard interviews with clients, and observed cases in court. Participants spent the remaining sessions with judges, probation officers, parole officers, and representatives from the Department of Community Services.

The second project in-service program was held during Christmas vacation. All students who did not attend the first program in August were given the opportunity to participate in the same kinds of activities as the earlier group. During Easter vacation, students participated in the last phase of the in-service program spending time with a Superior Court judge, probation and parole officers, and representatives of the Department of Community Services.

Based on the first year, we believe all students should participate in the in-service training session at the same time so that a few students do not have experiences others have not had. Further weaknesses of the in-service workshop centered on the quality of contact between students and justice agency officials. In some cases, students only heard a spokesman discuss the nature of his office. It was hoped by the project staff that students would be more intimately involved in the daily work of the various professionals in the justice system. We now recommend that students be taught techniques for relating to justice agency people in advance of their visit. Students need to learn how to ask questions, what to look for, etc. Agencies need to be asked to provide specific tasks for students rather than use the tour or public relations approach. In addition, it is important for the staff to work closely with justice agency liaison people to encourage them to integrate the students more completely into the daily work of each agency. Only in this manner will teachers and students gain the practical experience they need to provide others with a more accurate understanding of how the system functions. The staff of each agency should be encouraged to be frank and open with the teachers and students during these field experiences so they will be able to develop a feeling for the problems and frustrations of the work as well as an understanding of the way each agency functions. Following a visit, agency teachers and students should discuss the activities and experiences of the day so that loose ends can be tied up and questions answered.

The positive benefits of having the teachers and the students go through the in-service training at the same time are great. When teachers learn along with their students, they share a common experience and have an opportunity to discuss, and compare observations and perspectives on the justice system. Students and teachers evaluated their field experiences on a form we called a personal journal. (SEE FOLLOWING PAGE). As you will notice, one column of the journal is used to record factual and observable information about the agency while the second column is intended to encourage each individual to record his personal and emotional reaction to each visit. These journals provide a permanent record of the visit and can be used as the basis for class discussion or the review sessions with agency personnel. A summary of journal entries is also prepared and sent to the agency so that its staff can review the reactions of the visitors.

VII. Course of Study

The curriculum for the experimental classes was based on a course of study developed by the staff. Committees were established in each class to research as thoroughly as possible each step in the administration of justice: arrest and confinement; rights of an accused; courts; sentencing; corrections; and juvenile justice. Each committee presented detailed reports on their research to the entire class, an activity that prepared the students for effective peer teaching. At the completion of each unit, the class was responsible for the preparation of at least one learning packet. Students were also responsible for participating in at least one peer teaching activity after preparing the learning packets. Project staff worked with students on the development of their presentations to encourage them to use teaching techniques which stressed student participation. Simulation games, multi-media activities and mock trials rather than static lectures, characterized these student presentations.

Even with a course outline, staff discovered that teachers did not follow the recommended topics and sequence, but chose to allow students to specialize in areas of personal interest. While such an approach was permitted, teachers were encouraged to provide students with a broad overview of the entire justice system. During the year, almost all of the suggested speakers, topics, and activities recommended in the course outline were utilized by the teachers.

PERSONAL JOURNAL

This journal is designed to provide a way of better understanding your many experiences during the in-service program. At the end of each day, please complete this journal. It will help us to improve the program.

DIRECTIONS: Use the left-hand column to describe your day with a justice agency (What did you do? What did you see? Where did you go?). Use the right-hand column to describe your feelings about the day (How did you feel about the day's activities? about the people you met?). Please do not write on the back of the sheet. Use additional pages if necessary.

WHAT I DID	HOW I FELT

CONSTITUTIONAL RIGHTS FOUNDATION

Course Outline: Youth and the Administration of Justice

I. Participants in Crime — A Profile

2 weeks

A. **Socio-psychological causes of crime.**
B. **Hand-out** "Circle of Crisis"
C. **Hand-outs:** Case studies of offenders available through the District Attorney's Youth Advisory Board.
D. **Possible Speaker:** Criminal psychologists, criminologists
E. **Classroom Activity:** Attitude grid on page 6 of *Bill of Rights Newsletter*. "Crime, Violence and American Youth."
F. **Classroom Activity:** Monitoring TV programs to evaluate violence on TV as a cause of crime on page 16 of aforementioned *Newsletter*.
G. **Outside Activity:** Study of students' own community in relation to crime.
H. **Tape Cassette:** *Criminal Stereotypes*. A documentary on the popular myths surrounding the criminal. The mythology and superstitions that surround crime and criminals make fighting crime difficult, since they stand in the way of discerning the real reasons for such anti-social behavior.

II. Police Function

1½ Weeks

A. **Life of a Policeman**
B. **Study Different Types of Police Activities.** viz. detectives, narcotics, vice, patrol, community relations, intelligence, etc.
C. **Complaints Made Against Police.** Resource: *Law Enforcement: The Matter of Redress*. ACLU, Los Angeles.
D. **The FBI Agent as a Policeman.**
E. **Role and Power of the Police Commission.**
F. **Diversionary Programs.**
G. **Tape Cassettes:** "*Say Hello to a Cop Today*". In-depth study of police-community relations programs across the country. Built on need to replace hostile attitudes toward law enforcement officers with more positive approach.
H. **Film Strips:** *Dealing with police* (from CRF office)
I. **Field Trip:** Juvenile rehabilitation services.
J. **"Police Patrol"** simulation (CRF)

III. The Arrest

1 Week

A. **Arrest Procedure**
B. **Search and Seizure Rules**

IV. Booking Procedures

1 Week

A. **Miranda Warnings**
B. **Decision to File a Case by the Police with the D.A.** — what constitutes sufficient evidence.

V. Conference Between Lawyer and Client

2 Weeks

A. **The Right to a Lawyer**
B. **The Public Defender and the Private Lawyer:** differences.
C. **The Issue of an Attorney Defending a Client Who is Definitely Guilty**
D. **The Nature of the Adversary System**
E. **Deciding on a Plea**
F. **Plea Bargaining**
G. **Film:** *The Gideon Case*. Encyclopedia Britannica Films.
H. **Outside Activity:** Students given hypothetical case studies must find out where to go to get relevant legal advice.

VI. Before the Trial

1½ Weeks

A. **The Preliminary Hearing**
B. **The Arraignment**
C. **The Setting of Bail**
D. **Detention for Those Who Cannot Afford Bail**
E. **Case Study Role-Playing Game:** (*Hawaiian Gardens Case* (CRF)
F. **Possible Speakers:** Bailbondsperson
G. **Student Presentation:** Students from Roosevelt High School on detention.
H. **Film Strip:** "*The Criminal Justice System*" (six parts with sound) — CRF office

VII. Trial

2½ Weeks

A. **The Jury Selection Process**
B. **Cross-Examination**
C. **Court Procedures**
D. **Sentencing Procedures**
E. **The Juvenile Probation Report**
F. **Types of Courts** (Municipal, Superior, etc.)
G. **Alternatives to Sentencing** (Community Services, etc.)
H. **Mock Trial:** to be developed by law students in conjunction with student desires.
I. **Simulation Game:** *"The Jury Game"*
J. **Outside Activities:** Students should spend one full week in the courts doing investigative work (observe each aspect of courtroom procedure).
K. **Hand-Out:** Fact sheet on juvenile court (developed through the Los Angeles County Bar Association).
L. **Classroom Activity:** Sentencing alternatives (CRF).
M. **Hand-Out:** *"Should the Courts Run on Time?"* *ACLU*
N. **Debate:** On capital punishment between ACLU representative and District Attorney's office (case of Willie Francis).

VIII. Corrections

2 Weeks

A. **Different Types of Correctional Facilities**
B. **Prison Reform**
C. **The Effectiveness of Punishment**
D. **Causes of Prison Riots**
E. **Women in Prison**
F. **Field Trip:** two representatives from each class to visit the Ventura School and report to the remainder of class on their trip.
G. **Speakers:** ex-convicts
H. **Tape Cassette:** *"The Female Prisoner"* (CRF): Case study approach. Cassette deals with experiences of a young woman which have led her into a confrontation with the law and her subsequent feelings about her life, the criminal justice system, and the possibility of rehabilitation.
I. **Media Presentation:** *"The Stanford Prison Experiment"* (CRF)
J. **Classroom Activity:** Simulation on future prison alternatives, Greenhaven Press
K. **Simulation Game:** *"Paroled but Not Free"* Behavorial publications. *"Kids in Crisis"* (CRF)
L. **Films:** *"A Question of Violence," "Voices Inside," "This Child Rated 'X'"* (CRF).

IX. Parole

1½ Weeks

A. **Recidivism**
B. **The Life of a Parolee**
C. **Speaker:** Parole Agent and Parolees
D. **Film:** *"I'd Rather Be a Blind Man"* (CRF) (Parole Agents cinema verite case study approach)
E. **Play:** *"The Cage"* (CRF)

X. Justice System as a Career

1 Week

A. **Students to be Divided According to Occupational Interest Groups.** They will investigate and report on:
    1. Qualifications
    2. Training
    3. Type of people presently in typical position
B. **How Does the Agency Deal with Advancement and Incompetency**

XI. Media and the Justice System

1 Week

A. **Crime Reporting**
B. **The Role of the Press**
C. **Hand-Out:** *Bill of Rights Newsletter.* "The Power of a Free Press"
D. **Film:** *"The Sam Sheppard Case"*
E. **Outside Activity:** students to watch TV shows dealing with criminal law and watch for stereotypes, number of times rights of a person have been violated.

XII. Comparative Justice Systems

1 Week

A. **England**
B. **The Soviet Union**
C. **Africa**

XIII. Types of Crimes

1 Week

A. **Federal Crimes**
B. **White-Collar Crime**
C. **Organized Crime**
D. **Victimless Crimes**
E. **Classroom Activities:** materials to be developed by law students.

VIII. Consulting Personnel from Cooperating Justice Agencies and Organizations as School Resources

Since one of the major project objectives was to familiarize students with the justice system in operation, a key element in the classroom program was the participation of justice agency personnel as classroom resource specialists. Following field experiences, resource experts worked with each experimental class. During the year, representatives of the following agencies visited project classes: Long Beach Police, Pasadena Police, FBI, California Highway Patrol, L.A. County Sheriff's Office, the Los Angeles District Attorney's Office, Los Angeles Public Defender's Office, the Pasadena City Prosecutor, the Los Angeles County Probation Department, the California Youth Authority, the Department of Community Services and the Los Angeles County Coroner's Office. After the initial contact was made by the project staff, teacher coordinators and students maintained an on-going relationship with each agency. In addition to the initial visits, students specializing in the work of a particular agency paid a return visit there to find out more about the problems and procedures of that part of the system.

Law students from USC, Southwestern, Loyola and UCLA also worked with the experimental classes as advisors to small groups of students. To gain law school credit for participating in this project, each student specialized in one of the justice agencies. The time spent by law students exploring the functions of a particular agency in turn benefited the project students.

The law students were invaluable, preparing students for mock trials and helping them research materials for individual or small group projects. The law students also assisted students develop their learning packets by providing them with substantive information about criminal law. The project could have made use of many more law students had they been available.

It is important to avoid sending many resource consultants into the classroom with too few days in between for student reflection and discussion. Students will become confused and have trouble differentiating between the agencies. Teachers should follow the course outline carefully and invite resource experts to work with the class throughout the year.

IX. Illustrations of Student Field Experiences

At the beginning of the year, project schools received *The Directory of Legal Resources for the Los Angeles Vicinity*, prepared by the Community Relations Education Foundation, and the *Directory of School Volunteer Community Resources*, compiled by the Los Angeles City School Volunteer Program. Teachers and students were encouraged to contact representatives from these agencies by letter or phone in an effort to utilize specialized services from their communities. In addition to these directories, project staff assisted teachers and students in identifying and visiting a number of agencies. A few of the most outstanding activities of this sort are described below.

1. California Youth Authority

Two students from each of the participating high schools, accompanied by staff from the Constitutional Rights Foundation, visited Ventura School, a California Youth Authority institution in Camarillo. The trip included an orientation program conducted by the School Superintendent and Director of Curriculum, and a tour of the institution. Project students attended a Family Life and Education class and peer-taught a lesson on juvenile sentencing alternatives. They participated in a vigorous discussion on the criminal justice system with the Youth Authority wards who had experienced the system firsthand. In addition, project students, the Ventura School Youth Advisory Board — composed of two elected representatives from each cottage — and school staff participated in a free-flowing question period on student rights, dress codes, educational and vocational opportunities, student-staff relations, counseling and psychological services, drug education programs, visiting privileges, homosexuality, and acts of violence within the institution. Project students were permitted to film and record their experiences at Ventura School for use as a part of a learning packet on juvenile rehabilitation.

2. Los Angeles County Juvenile Facility

A meeting was held between project staff and Los Padrinos Juvenile Hall staff to discuss opportunities for peer-teaching by Youth and the Administration of Justice students in that facility. These students not only had the opportunity to ask questions of staff members at the juvenile facility but also talked with juveniles awaiting trial and detained at the hall.

3. Delinquency Prevention Conference

Two students from John Muir High School, Pasadena, and project staff attended a Youth and Government Conference in Santa Barbara, California. The conference, attended by one hundred fifty high school students, was sponsored by the Delinquency Prevention program of the Santa Barbara County Probation Department. For two days students participated in small group sessions on local government. Project students attended the sessions on Probation and the District Attorney's office.

4. Government low-cost housing

At Roosevelt High School several students expressed an interest in learning about the problems of those individuals living in low cost housing units. A meeting was arranged so that these students could interview members of the housing authority; later these students were able to hear another perspective from legal aid attorneys representing tenants.

5. Suicide Prevention Center

Students met with three ex-felons and a rehabilitation specialist from the Suicide Prevention Center who candidly discussed issues related to corrections and correctional facilities. The experiences and anecdotes which they shared were taped for use in a learning packet on prison life prepared by one of the students.

6. Los Angeles County Superior Court — Psychiatric Division

Roosevelt High School students visited Unit 1, Department 95A of the Los Angeles County Hospital to witness psychiatric fitness hearings. This was a fascinating learning experience in a courthouse unknown to most people in the Los Angeles community.

7. Pasadena Police Department — Mock Arrest

The students at John Muir High School developed a mock arrest simulation with the cooperation of the Pasadena Police Department.

Two juveniles (students of this project) were arrested on the school grounds of John Muir High School in Pasadena, California, for violation of Penal Code 653G "loitering on or about school ground." An officer of the Pasadena Police Department was dispatched to the school in a response to a call from the Dean of Men. On his arrival, the officer informed the juveniles, age 17, one Caucasian, one Black, of their constitutional rights and transported them to the Pasadena City Jail where they were booked as charged.

Since their parents were unable to be reached, both young men were placed in separate juvenile jail cells. Approximately three hours later, the parents were finally contacted by the police. Subsequently the parents went to the city jail to take custody of their children pending court action.

All of the above really happened, but only as part of a simulated arrest experiment. The unique aspect of this controlled experiment was that the arresting officer and jailer were not aware that an experiment was being conducted.

The idea for the experiment originated with project students. As a police officer from the Pasadena Police Department spoke to the class, one student asked, "How does it feel to be arrested?" Immediately a group of students spoke up, "What are the chances of getting arrested to see what it feels like?" The officer, the project liaison from the Pasadena Police Department, initially said, "No," but later thought it might be a useful idea. Pasadena Police Chief Robert H. McGowan was approached and decided it would be an exciting undertaking. The school officials, parents, and the teacher approved the experiment, and two students were selected. The idea was to give the students a realistic experience in arrest procedure and not to test the officers involved. The two students soon realized when they were booked and jailed that they were participating in something much more than an experiment or game.

A de-briefing session was held later that afternoon between the parents, juveniles and police representatives. The participating students' comments and reactions were taped and shared at this meeting. The following week the students were invited to the Pasadena Police Academy to discuss their reactions to the arrest experiment with fifty-two recruits who were attending the Academy from all over the San Gabriel Valley. The success of this experiment depended upon the complete cooperation of the police department, the total support of school officials, and thirty students sworn to secrecy.

The two students who participated in this arrest experiment developed a learning packet which is used to demonstrate to other students what it feels like to be arrested and placed in jail.

B. L.A. County Probation Department Experiment

The success of the simulated arrest encouraged staff to contact the Probation Department to ask their cooperation in designing a simulated probation activity. False background reports were prepared on two students and given to unknowing probation officers who were responsible for providing supervision and counseling. While this was not as dramatic an activity as the mock arrest, it was extremely useful in providing students with an understanding of the probation process.

X. Learning Packets and Peer Teaching

The development of learning packets was a major activity of the pilot year. Students were required to piece together information about the justice system gained through research, field experiences, and resource speakers, and prepare teaching materials based on these sources. The learning packets took many forms. After completion they were peer-taught or given to teachers for use in their classrooms. The students had responsibility for the preparation of these learning tools and, in the process, pursued a variety of different subjects related to the criminal justice system. Every student in each class received training on the development of learning packets during the in-service programs, on several occasions in the classroom, and on a one-to-one or small group basis with members of the staff. Students also utilized a variety of different techniques to teach the packets to their peers. A full description of learning packets and peer-teaching appears in part II.

XI. Project Evaluation Conferences

In addition to the formal evaluation of the project (described in detail in Part III of this report), informal evaluation conferences were scheduled throughout the year so that students could share their feelings about the program with staff and students from other project schools.

The first of these conferences was held six weeks after school began. Constitutional Rights Foundation project staff, three teacher coordinators, and nine students from the experimental classes planned the activities. This two-day conference brought together for the first time all of the students involved in the project. Most of the conference time was spent evaluating the progress of the elective course in each of the three high schools; fostering growth and stimulating enthusiasm through inter-school dialogue; providing resource speakers and materials who were later helpful in the peer teaching; and planning a county-wide conference held in December.

A second evaluation conference was held in February so that project staff could determine the impact of the program on students and identify and discuss problems that had developed at each school. Students from the three high schools also had the opportunity to compare their experiences with students involved in another program dealing with the criminal justice system, the L.A. County District Attorney's Youth Advisory Board. The participants exchanged ideas on peer teaching, community resources, and organizational problems. Topics discussed also included communications, student apathy, and gang violence.

A final evaluation conference was held in June. Students were urged to attend so that staff could complete the evaluation of the pilot year. Professional facilitators were used to elicit from the students their feelings and cognitive information about their experiences during the year.

Finally, a group of resource experts were brought together by staff in July to help evaluate the year's program and put the year into perspective. Specifically, this session focused on the importance of both process and content and on assessing the value of this program to teachers.

XII. Local and County-Wide Conferences

Conferences were the most direct way to disseminate information about the project since they brought together young people, teachers, and representatives of the justice system. Discussion groups, role-playing simulation games, films, and discussion stimulators or short panels with representation from disparate groups were used to maximize participation and involvement.

In December, the first of two county-wide conferences, "Kids in Crisis," was held at John Muir High School in Pasadena. Over 500 high school students, teachers, administrators, and parents participated in an exciting simulation game based on actual cases from the criminal justice system. Additional participants included representatives from the public defender's and district attorney's offices, Pasadena and Long Beach Police, Los Angeles County Sheriff's Department, Los Angeles County Probation Department, California Youth Authority, and lawyers from the Los Angeles County and San Fernando Valley Bar Associations. The keynote address was delivered by Mr. William Norris, President of the Los Angeles Board of Police Commissioners. Following the keynote address an audio-visual presentation on "Kids in Crisis" was presented. Project students were teamed with teachers as leaders of the simulation game. They also acted as discussion leaders throughout the conference.

Each school also presented local conferences for their own communities. The project class from John Muir High School presented a conference on prisons which included a panel of women ex-felons, and the use of a simulation game dealing with the use and abuse of power. Roosevelt High School students offered a dramatic presentation on the court system and led a discussion on the development of gang activities in East Los Angeles. Jordan High School students also used prisons as the theme of their local conference. A second series of local conferences was presented by students in the spring. Especially noteworthy were conferences to which students invited their parents. To watch young people teaching their parents is a rewarding experience.

Over 2,000 individuals attended the second project county-wide conference held to commemorate Law Day on May 4, 1974. This major activity included students and teachers from over 100 Los Angeles City senior and junior high schools as well as students and teachers from numerous schools in Los Angeles County, law students, lawyers from the Los Angeles County and San Fernando Valley Bar Associations, and representatives from every justice agency within Los Angeles. The conference included a keynote address by former Governor of California, Edmund G. Brown, followed by a full day of workshops related to the conference topic "Justice in America — Fact or Fiction?" Project students were directly responsible for nine workshops as well as for aiding the project staff in the coordination of the other workshops.

XIII. Dissemination

So that other appropriate groups could learn about this program, staff and students participated in conference and meetings of appropriate professional organizations both in and out of California.

Presentations were made at conferences of the following organizations:

1. Annual Conference, California Council on Children and Youth.
2. Attorney General's Juvenile Justice Conference.
3. Fall Capitol Conference, sponsored by the California Junior Statesmen Foundation.
4. American Bar Association Special Committee on Youth Education for Citizenship Law Clinic.
5. Association for Supervision and Curriculum Development.
6. California Council for the Social Studies Conference.
7. Drug Prevention Conference of California State Department of Education.
8. Conference on Volunteers in the Criminal Justice System, sponsored by the California

Youth Authority and the Advisory Committee on Volunteer Services.

9. Conference, Los Angeles City School teachers and administrators.
10. Long Beach Police Academy.
11. Youth Affairs Committee of the Los Angeles Junior Chamber of Commerce.
12. Los Angeles County Sheriff's Department.
13. American Association of School Administrators.
14. American Bar Association's Salt Lake City Regional Conference.

We have received and responded to inquiries from all over the United States following these presentations.

XIV. Public Relations

The project received excellent media coverage from local newspapers, radio, and television stations throughout the year. Our first in-service program was thoroughly covered — two radio interviews on Radio News West and KHJ and a full-page article in the Sunday edition of the *Los Angeles Herald-Examiner*. Our first county-wide conference also attracted a great deal of media coverage. An interview was given on KFWB Radio with the Director of the Project regarding the "Kids in Crisis" Fall Conference. In addition, an interview between Inez Padroza of KROQ Radio and the Director of the project and several students was also conducted. Finally, the Director was interviewed by Ted Myers of Channel 9 — KHJ-TV.

Our second county-wide conference received coverage in the *Los Angeles Times*, the *Daily Journal*, and Channel 11 — KTTV. The county-wide conferences were also publicized in two community brochures, one through the Los Angeles County Human Relations Commission and the other through the District Attorney's Youth Advisory Board Newsletter.

Two simulations also received special coverage. The simulated police arrest conducted in Pasadena was given front-page coverage in the *Daily Journal*, a newspaper for lawyers in Los Angeles County. The simulated probation activity was described in the *Los Angeles Herald-Examiner*. The program in general and a visit by students and staff to the Los Padrinos Juvenile facility in particular became the focus of an article in *Reach Out*, the California Youth Authority delinquency prevention bulletin.

During the year, several radio stations and newspapers covered the program generally rather than related to a specific event. These included an interview on KFI (NBC) Radio with the Roosevelt High School teacher and two of his students; the Executive Director of the Constitutional Rights Foundation described the project on KGIL Radio; and, finally, an article on the project appeared in the *Daily Journal*.

In many cases, the press releases that led to the wide coverage of the project by the news media were prepared by the project students themselves.

XV. Advisory Groups

Two project advisory committees were established at the beginning of the year to review and make suggestions on the program. The Board of Directors of the Constitutional Rights Foundation selected six of its members to serve as a program committee overseeing the operation of the program and to serve in an advisory capacity to the project staff. This body met approximately once a month to carry out its functions.

Another advisory committee composed of representatives from each of the co-sponsoring justice agencies met quarterly to review the learning packets and to assess the implementation of the program related to their own agencies. Students were present at these meetings to share their learning packets with agency representatives.

Both advisory committees proved to be valuable adjuncts to the implementation of the project.

XVI. Guidelines for Program Implementation

As a result of staff experience during the first project year, the following three-month task breakdown was developed. Other communities, agencies, organizations or schools interested in implementing this or similar programs should find in this task list, a means to begin the process. Each organizational step and its components are listed. By projecting each step appropriately a full-year program emerges as a series of activities which must be carried out. The assignment of priorities depends entirely on the importance of various goals to those undertaking the process.

Guidelines: A Three Month Projection of Tasks Without Assigned Priority

EVALUATION

NEEDS ASSESSMENT SURVEY — THE COMMUNITY AND THE JUSTICE SYSTEM
- Instruct students in preparation of survey instruments in the five core schools
- Arrange for students to conduct survey in target schools
- Compile results-analyze
- Disseminate results to core classes to generate ideas for peer teaching (Learning Packets)

TESTING INSTRUMENT
- Develop a pretest
- Field test pretest
- Administer pretest in core classes
- Secure control classes
- Date to be coded
- Data key punched

TEACHERS' IN-SERVICE EVALUATION
- Develop evaluation instrument
- Administer
- Collate and analyze results
- Prepare and disseminate justice agency contact recommendations

CLASSROOM OBSERVATION
- Develop observation criteria
- Begin classroom observation (3½ days per week approximately)
- Log observation data
- Analyze and recommend based on data

FALL CONFERENCE
- Develop evaluation instrument
- Administer
- Collate and analyze results
- Prepare recommendations

LEAA RETREAT-WRIGHTWOOD
- Develop evaluation instrument
- Administer
- Collate and analyze results
- Prepare recommendations

THREE-YEAR LONGITUDINAL STUDY
- Chart out means of measuring the reduction of crime by the LEAA project

RELATED EVALUATION INSTRUMENTS
- Develop instruments to measure
  knowledge of conflict management
  responsibility toward people and property
  respect for authority

  Same procedure to follow:
- Field test instrument
- Administer instrument
- Code and keypunch
- Collate results
- Analyze data
- Make recommendations

STAFF EVALUATION — LEAA
- Develop instrument
- Observation
- Make recommendations

FALL CONFERENCE

CALENDAR
- Set date
- Check for conflicts
- Make arrangements for co-sponsorship by L.A. City & County Schools

SELECT SITE
- Arrange for use through L.A. City Schools
- Visit facility

THEME
- Staff meet to discuss, brainstorm and select content for conference and theme

PUBLICITY
- Prepare mailer
- Send to mini-print
- Disseminate to L.A. City and County Schools and Justice Agencies
- Prepare "please covers" and press releases for press
- Contact local newspapers and radio-TV stations
- Make personal contact project resource people
- Post-conference press release
- Thank-you correspondence

TRANSPORTATION
- Arrange through L.A. City Schools

CONFERENCE ACTIVITIES
- Staff meet and confer
- Develop needed materials

- Contact needed resource people
- Contact teacher coordinators
- Meet with Student Advisory Board re:
  Use of peer teachers
  Use of student facilitators (A-V, lunches, programs, etc.)
- Conduct audio-visual needs assessment
- Secure equipment and arrange disbursement

LUNCHES

- Secure price information from different caterers
- Make necessary arrangement for food service
- Make arrangements for cleanup, tables for serving, eating area
- Design efficient disbursement system
- Staff lunch disbursement

**IN KIND SERVICES —
RESOURCE PERSONNEL**

- Prepare forms
- Facilitate signing and collection

COMMUNITY RESOURCES

- Compile directory based upon teacher surveys and other office resources
- Investigate services of agencies and programs by initiating personal contact, securing a contact person's name, including information in directory
- Explore potential for use of students in each agency
- Arrange initial contact teams of students and agencies
- Follow up initial student contact with evaluation and recommendations

JUSTICE AGENCIES

STAFF HEADQUARTERS

- Contact and secure liaison from each agency to LEAA project
- Set meeting date
- Introduce LEAA staff and program at meeting
- Explore function of liaisons
- Secure names of contact people in local agencies in each area

FIELD OFFICES

- Make initial personal contact with each local agency representative
- Explain LEAA program and explore potential use of LEAA students in their office

STUDENT INVOLVEMENT IN COMMUNITY AND JUSTICE AGENCIES

- Develop creative vehicles for student participation (i.e., mock arrest, probation, Norwalk)
- Meet with Student Advisory Board to explore participation
- Meet with core classes to:
  Develop strategies for dealing with Justice Agencies (preparation of questions, appearance, keeping appointments, etc.)
  Role-play initial contacts with agencies
  Discuss record keeping
  Discuss in-kind services
  Discuss transportation, expenses, insurance, payment vouchers, use of van
  Discuss procedures for leaving campus
  Discuss the necessity for sharing experiences with class
  Demonstrate the development of learning packets based upon Field Experiences
  Explain the limitations and guidelines for the use of media in the field

SCHOOL PERSONNEL

- Develop and secure student procedures for leaving class and/or campus during school day
- Investigate possibilities for uniform government credit for course
- Discuss commitment to two local conferences in each area
- Arrange with core teacher and school administrator a security system for A-V equipment in schools
- Arrange for peer teachers to enter peer teaching target schools
- Design and print student identification card LEAA

ORIENTATION RETREAT

- Set date around calendar conflicts
- Investigate and secure suitable facility
- Secure transportation and plan route
- Send letters to students on retreat with parental permission return
- Plan menu with camp staff
- Discuss LEAA needs (meeting rooms, sleeping accommodations, audio-visual) with camp staff

- Staff meeting regarding agenda for retreat activities
- Staff contact resource people (films, materials) where necessary and secure commitments
- Follow up letters to resource people
- Staff meet to brainstorm activities
- Prepare materials
- Staff plan recreation and secure necessary related items

LEAA STAFF

- Advertise positions as per affirmative action
- Secure and review resumes
- Conduct interviews
- Confer with staff regarding applicants
- Hire new staff (3 secretaries, 1 writer, 1 field coordinator)
- Conduct LEAA staff orientation to outline responsibilities
- Organize temporary office space
  Discuss new staff needs (supplies, equipment)
- Plan social

STUDENT ADVISORY BOARD

- Conduct staff meeting to discuss function of SAB
- Discuss position and conduct class selection process
- Conduct initial SAB meeting
  Choose site for meeting
  Plan agenda
  Inform members and staff
- Make arrangements for regular SAB meetings

COMMUNITY ADVISORY BOARD

- Discuss grant parameters for CAB
- Modify if necessary
- Organize and implement
- Conduct initial meetings in each area
  Find site
  Plan agenda
  Inform participants and staff

CLASSROOM RESOURCES

COURSE OUTLINE

- Revise 1973-74 course outline and disseminate to teacher coordinators
- Review during in-service for project teachers
- Monitor class progress through outline

UNITS OF STUDY

- Review materials on Law-Related Education and select appropriate material
- Modify where necessary
- Disseminate to project teachers
- Monitor class progress through outline

LEARNING PACKETS

- Read and preview student-produced Learning Packets 1973-74
- Edit
- Include objectives, peer teacher instructions, background information and related activities
- Prepare for printer
- Demonstrate use of Learning Packets in core classes
- Instruct students to Peer-Teach packets in our classes
- Conduct discussion as to how lessons can be improved. Modify where necessary
- Work with students on ideas for new Learning Packets
- Organize packets into objectives, related community field experience vehicle for peer teaching
- Assist students in research, locating resources for Learning Packet topics
- Monitor progress of students through Learning Packet development
- Proofread rough drafts/Edit
- Demonstrate need for group leaders
- Return to students for revision
- Print

RELATED CURRICULUM MATERIAL

- Compile list of CRF and other law-related materials (films, books, games, tapes, etc.)
- Categorize list by units of study
- Publish annotated directory of materials, including arrangements for use and availability
- Disseminate directory to Core teachers
- Establish system for loaning materials to Core schools through CRF office library
- Set up filing system on educational material for easy access

- Survey need for new materials
- Order new materials as needed
- Catalog new materials
- Submit supplementary directions of new materials to Core teachers
- Develop master file of film critique and rental information
- Prepare and duplicate adequate copies of educational materials used by LEAA

USE OF SPEAKERS

- Conduct needs and interest assessment by units of study within classes
- Contact resource people
- Develop vehicles for use of resource speaker in class (i.e., use of Police in Police Patrol)
- Prepare students for classroom speaker
- Establish classroom system for maintaining records of classroom visitors and speakers
  - — in-kind?
  - — tapes
  - — Photographs (publicity, Learning Packets, etc.)
  - — follow-up letter
- Conduct follow-up discussions of resource speaker's information Core classes

USE OF STUDENT STAFF

- Select semi-permanent student staff
- Conduct orientation between student staff and project staff
- Develop job responsibilities
- Develop communication system between Core teachers and staff re: use of student staff
- Maintain records of transportation, time and expenses
  1. Demonstrate Learning Packets to Core classes
  2. Conduct discussion on How To's of peer teaching
  3. Assist students in development of Learning Packets
  4. Assist local conferences, country-wide, evaluation
     Planning
     Preparation
     Implementation
  5. Aid in community dissemination of project (e.g., board meetings, etc.)

CURRICULUM DEVELOPMENT

COURSE OF STUDY

- Develop a comprehensive one-year course of study for project more directly related to progressive objectives
- Develop components (units of study)
- Develop games, learning activities, field experiences related to units of study
- Field test sample lessons
- Revise where necessary
- Complete for publishing
- Disseminate to project teachers

CLASSROOM ORGANIZATION

- Establish administrative student committees
- Conduct orientation re: responsibilities
- Monitor committee functions
- See also SAB
- Establish CRF day of week in classroom to be used by director of instruction, evaluator, field coordinator, student staff or project director
- Establish phone tree and phone procedure for teachers

NEWSLETTER (FOR PROJECT DISSEMINATION)

- Organize classroom committees responsible for press coverage
- Establish deadlines for materials
- Edit where necessary
- Augment where necessary with related material (photos, crossword puzzles, conference dates, new events, books and films)
- Prepare for print
- Submit for mailing

AUDIO-VISUAL EQUIPMENT

- Work out agreement re: use of equipment
- Determine audio-visual needs in Core classes and LEAA media lab
- Conduct pricing survey (bidding?)
- Submit purchase orders
- Secure storage room — CRF media lab
- Establish check-out system between LEAA office and each Core class

- Secure student audio-visual coordinators in each class
- Conduct orientation for audio-visual student coordinator
- Insure audio-visual equipment
- Contract for film purchase and processing (includes software)
- Establish system for film pickup and delivery
- Disseminate to Core classes hardware and software
- Monitor Core class audio-visual needs and attempt to fill
- Develop audio-visual guidelines for use in field
- Discuss with students the use of the audio-visual in the field
- Demonstrate audio-visual possibilities for Learning Packets
- Monitor student use of audio-visual
- Develop new audio-visual programs as needed
- Re-record 1973-74 Learning Packet audio-visual components
- Establish media lab for student use
- Set media lab hours of availability

LOCAL CONFERENCES

- Explore with students possible models for conferences, i.e., Saturday / Parent / Social Studies Departments during school day
- Check dates for conflict between schools
- Conduct class discussions to determine local conference
  1. Theme
  2. Place, Date, Time, Food
  3. Publicity
  4. Resource people
  5. Activities
  6. Student responsibilities
  7. Letter to confirm/thank
- Contact needed resource people for local conferences
- Facilitate other arrangements as needed
- In kind?

LEAA VAN

- Price/Lease shop arrangements
- Negotiate a lease agreement
- Secure storage facility
- Make insurance arrangements
- Make arrangement for use of van in project

FISCAL

- Make initial arrangements for project. Fiscal year to begin Aug. 1, 1973-74
- Finalize salary arrangements for new and old LEAA staff
- Oversee collection of bills and staff expenses
- Code bills
- Submit coded bills to bookkeeper
- Maintain project records
- Make monthly review of budget by categories and individual items
- Submit LEAA monthly reports
- Develop in-kind arrangement between L.A. city schools and LEAA
- Develop in-kind forms procedure for collection
- Monitor LEAA position re: in-kind
- Collect
- Code in-kind
- Computation
- Monitor
- Make monthly reports in-kind standing

QUARTERLY REPORTS

- Maintain staff files related material for quarterly reports
- Collect relevant material
- Draft report
- Submit to LEAA staff for comment
- Make necessary revisions
- Disseminate to LEAA and national CRF offices

LAW STUDENTS

- Secure law professor coordinator
- Secure law student coordinator
- Establish criteria for use of law students in classroom

1. Instruct students in how to's of legal research and use of law libraries
2. Discuss with students major court decisions and current revisions
3. Make available legal expertise to students drafting learning packets
4. Proofread student-produced materials checking for accuracy and proper annotation, legal facts and court cases
5. Escort interested students to law libraries, courtrooms, etc., briefing students on legal terminology and procedures
6. Provide overview of criminal justice system for class
7. Assist students in preparation of local conferences
8. Assist students in their orientation to work of particular justice agencies as to size, budget, caseload, place in criminal justice system, problems, strengths, etc.

- Conduct orientation betwen coordinator, students, peer teachers and LEAA staff
- Establish geographical framework for use of law students in schools
- Monitor classroom, use law students
- Conduct regular clinical law class
- Maintain communication between learning packet coordinator and law student coordinator

Students Peer Teaching

Part II

Student-Developed Materials and Peer Teaching

Approximately ten thousand teenagers and adults received information on the administration of justice in their community during the pilot year of "Youth and the Administration of Justice." Roughly one-third of that number were taught in their own junior and senior high school classrooms by peer teachers from three project schools, David Starr Jordan High School (Long Beach), Theodore Roosevelt High School (East Los Angeles) and John Muir High School (Pasadena).

Peer teaching was selected as the major vehicle for project dissemination because of the successful performance of young people working as counselors in community crisis clinics and drug rehabilitation halfway houses, and as tutors in remedial reading and math programs in the schools. The goals for the peer taught were the same as those for the peer teachers, namely that all participating students, as a result of this project, would:

- Be able to demonstrate increased knowledge of criminal law
- Be able to demonstrate increased knowledge of procedures used to administer justice by police, district attorneys, public defenders, Superior and Juvenile Courts, probation and parole officers, and the Department of Community Services.
- Be able to demonstrate improved attitudes regarding the men and women who administer justice in their own community

  and
- Be able to demonstrate improved attitudes toward authority in general and to recognize the importance of each individual in our society

Each of the three project classes was responsible for peer teaching in the junior and senior high schools within their respective communities. Each class organized the task in its own way. The students from the Pasadena class far surpassed the students from East Los Angeles and Long Beach in the number of peer teaching assignments, roughly estimated at well over one hundred hours as contrasted to approximately twenty-five hours each in the other schools. This can be explained in part by the fact that students from Long Beach and East Los Angeles waited to be invited into other teachers' classrooms while students from Pasadena advertised and aggressively sought peer-teaching assignments. They did this by making presentations at faculty meetings, before social studies departments, and through individual and personal contacts with teachers and students from other schools who then facilitated their requests.

Another factor contributing to the significantly lower peer-teaching sample in East Los Angeles and Long Beach was the failure on the part of many teachers in each area to receive information that such a program existed with its peer teachers and resources on the criminal justice system. It is recommended that, in the future, a number of social studies teachers from the entire school complex be included in project orientation sessions so that peer teachers will have access to more classrooms.

School bureaucracies required that lengthy and time-consuming permission forms be completed before students could leave or enter the campus during the school day. This was an initial handicap to peer teachers and ultimately was resolved with the help of school administrators and classroom teachers. It is suggested that simplified and somewhat uniform release procedures for peer teachers be adopted in each group of schools early in the year and that an identification card be assigned each student while enrolled in the program as a pass on and off campus, to be used only for peer teaching and related project activities. (See Exhibit A)

Because of after-school work schedules, athletic participation and/or family responsibilities, a number of students did not have the time to attend late-afternoon field experiences, weekend conferences or evaluation retreats. These particular activities represent the action-oriented core of the program that make it unique from traditional classroom courses on United States Government. During these times, students from all project schools came together and a feeling for group solidarity and shared purpose developed. Students who could not participate in the class, on all levels, lost some of the personal rewards the program offered, and placed an unnecessarily heavy burden of responsibility on the students who could take part. It is recommended that all students be counseled prior to enrollment regarding the demands and benefits of this class so that they can elect to participate fully. (See Exhibit B) Such a folder is available and can be obtained by writing to Constitutional Rights Foundation.

Peer teaching was the activity most enjoyed and appreciated by participants in the program. Project students not only taught in junior and senior high schools but hosted and directed conferences for their families, friends and members of their communities as well. They participated in state and national conferences on law-focused education and peer-taught at probation camps and youth authority facilities. In so doing they served as a communication vehicle between justice agency personnel, youthful offenders serving out-of-court sentences, interested members of the school and local community, and potential law violators sitting in the classroom.

In order to facilitate the many functions and responsibilities of each class, administrative committees were organized including: Audio-Visual, Secretarial, Project Liaison, Publicity, Resource Speakers, Field Experiences, Research Files, and Problem Solving. These committees worked to build student responsibility and direction over class activities. (See Exhibit C)

The production of original learning materials relating to criminal justice was a basic activity in project classes and required students to piece together information they had acquired from research, field experiences, and resource speakers. The students had total responsibility for the preparation of these materials and in the process, pursued a variety of different subjects.

These learning packets consisted of instructional materials (i.e., information, color transparencies, audio-tapes, activities) designed for use as resource material for peer teaching within junior and senior high schools, at local and county-wide conferences, at state and national conferences, and for distribution to classrooms throughout the United States.

Numerous workshops were conducted during the in-service program, in the classrooms, on retreats and on a one-to-one or small group basis throughout the year. These workshops were designed to prepare students for peer teaching and work on learning packets. These sessions included:

- How to produce your own Learning Packet
  This included information on the use of learning packets, an organization design by tasks and topics, discussion on the kinds of activities that might be used in teaching, and a peer teaching model for classroom presentations. (See Exhibit D)

- Learning Packet Ideas
  Specific learning packet models on the Adversary System, Plea Bargaining, Police, Corrections, Courts, Parole, Probation, Community Services, Crime, and the Lawyer-Client relationship were presented. Students were asked to generate new ideas and strategies for teaching, including simulation games, mock trials, case studies, preliminary hearings, sound recordings, surveys, films, and slide presentations. (See Exhibit E)

- Relating Field Experiences to Learning Packets
  When debriefing field experiences, students were asked to brainstorm the possibilities for peer teaching or sharing their recent experience with others. For example, students edited slides and audio-tapes they had taken at the Ventura school, a Youth Authority facility, and added related research and comments on juvenile rehabilitation for use in their peer teaching.

- How to use Audio-Visual equipment
  Each Audio-Visual committee was trained in the use of project equipment which included tape recorders, instamatic cameras and slide projectors. Guidelines for the use of equipment in the field were also explained. (See Exhibit F)

- How to design and implement Multi-Media Programs
  Students were exposed to three screen slide shows which served as potential models for their own productions and to information on the many ways media could be incorporated into other teaching activities. Image research, storyboards, sound recording and multiple projection were explained and demonstrated. (See Exhibit G and H)

- How to log research and media
  Students were taught to maintain source files on all non-original information to be used in their learning packets, including titles, authors, copyright, page number and specific quotations. Media logs were prepared for A-V work so as to provide students with a record of the names of people and places photographed or taped. (See Exhibit I)

- Peer Teaching Problem-Solving
  Using concentrated role-playing situations, students helped each other find solutions for potential problems in peer teaching, including, securing a principal's approval to peer-teach in a school, motivating an apathetic class, overcoming faulty audio-visual equipment, or dealing with classroom agitators.

- Presentation of new Learning Packets
  Preview sessions were conducted in each class before a learning packet could be peer-taught in another class. Students demonstrated how their activity worked, why it worked and solicited suggestions for the ways it, perhaps, failed to work. These sessions provided avenues for student peer reinforcement and intra-class cooperation.

Each class was asked to complete ten learning packets and peer-teach each before the end of the year. Students engaged in a cooperative effort in both the preparation of learning packets and in peer teaching. Some students applied their time to research; others were involved conducting interviews or taking pictures; still others devoted their energy to peer teaching. The project did not mandate that all students peer-teach or write learning materials. These were group responsibilities to be shared and organized as the group thought best. In this way students were free to operate out of their personal strengths and preferences. As a result, students developed a number of useful and stimulating Learning Packets. The intent and format of each packet is summarized below:

Crime and Environment
Muir High School
A study of the role environment plays in producing potential criminal behavior. Relies heavily on Ramsey Clark's book, *Crime in America*. The classroom activity asks students to sentence juveniles who have been found guilty of criminal acts. They must do this with very little background information on each case study. Harsh sentences are typically rendered. A highly emotional slide presentation is then shown to Richie Haven's song "Sometimes I feel like a Motherless Child." Students are then given extensive environmental information on the same case studies and asked to re-sentence. The students then discusswthe root causes of crime and the rehabilitative aspect of our correctional institutions.
(Use a three screen multi-media slide show)

Violence in the Media
Muir High School
Uses research from the Report of the Commission on the Causes of Violence, in particular, that information on televised violence and its relationship to violent criminal behavior. Students are asked questions like, "Should violence in all its forms be censored from film and television programming?" Active monitoring of television programs is also required as students complete surveys on television and violence.
(Use an optional sound-slide program)

Psychosurgery
Muir High School
Includes recent research on psychosurgery; the medical, psychological, legal and ethical pros and cons. Asks students to role-play case studies wherein a decision must be made on the basis of medical case histories and police records, for or against the operation. (Use an optional sound-slide program)

Juvenile Gangs
Roosevelt High School

Includes information on the sociological nature of gangs and the scope of the current gang "problem" in Los Angeles City and County. A simulation game in which students role-play gang members and non-members demonstrates the ways in which gangs organize territory and solicit cooperation. A tape-recorded discussion between the Department of Community Services Youth Workers, ex-gang members and project students is included. The discussion revolves around the positive and negative effects of gangs, the stereotypic gang member, criminal and non-criminal gang activities, the distortions in the news and the current efforts being made to communicate and work positively with gangs in the community.

Child Abuse
Roosevelt High School

A simulated court hearing involving case histories of child abuse wherein students must decide issues of parental neglect, child custody, and/or criminal prosecution. Also included is information on the legal, psychological, medical and ethical factors involved to be used in class before the activity and in the debriefing of the hearing.
(Includes optional sound-slide program)

Burglary
Jordan High School

Students have staged a mock-burglary photographically with sound effects, followed by pictures on security alarm devices marketed and installed for burglary prevention in businesses and private homes. Includes statistics on burglary, which in Los Angeles is the most prevalent crime.

Cops and Kids
Jordan High School

Tape-recorded sessions between project students and elementary students include questions regarding their attitudes toward police, their experiences with police, and their career expectations with regard to the police model.
(Use slides and cassette tape)

Police Community Survey
Muir High School

An in-depth taped interview of one Pasadena police officer at work and at home with his family juxtaposed with attitudinal comments solicited by project students in the Pasadena community. Includes the officer's career expectations, his fears, his response to insults and personal concerns.
(Use slides and cassette tape)

Police Stereotypes
Jordan High School

Information is included on the three basic stereotypes of police officers, including "Officer Bill," the TV "Supercop" and the "Gestapo." Students are asked to role-play police officers according to these stereotypes to see how realistic in practice they become. The packet also includes action simulations where students, acting as police officers, have to choose a course of action — in tense, often dangerous situations. Contains actual decisions made by officers and the consequences of those decisions as well as debriefing questions.

Busted!
Muir High School

This activity examines proper and improper arrest procedures used in an in-school arrest. Students witness a role-play wherein illegal and unprofessional tactics are employed. They are then asked to cite personal examples on the misuse of power. Students then must individually examine a fictional case on illegal arrest and trial and note abuses specifically and justify their choices.

Mock Arrest
Muir High School

Two students had themselves arrested as applied research for this packet. Working in cooperation with the Pasadena Police Department, they staged an arrest, were booked, fingerprinted, photographed, and incarcerated. The arresting officer was not informed that he was taking part in a simulation. In pictures and on tape, the students set forth their feelings and experiences from arrest to jail and release to their parents and guardians.
(Use slides and tape)

The Police
Roosevelt High School

Using over one hundred pictures taken on location, this packet explores the police role in the administration of justice, including arrest procedure, fingerprinting, and the massive paperwork required by the Department.
(Use slides and tape)

The District Attorney
Muir High School

Explores and contrasts the different roles played by the prosecution and defense in the justice system. Students role-play a preliminary hearing wherein the district attorney must show adequate reason for the state to bring an individual to trial. The class is then asked to discuss the adversary system of justice and the simulation. Questions are included.

Authority
Jordan High School

Two simulations in which students experience forms of authority that are absolute are included. Students are asked to share their feelings and experiences dealing with the use or abuse of authority in the debriefing which follows each role play. Serves as springboard to activities on correctional institutions, in particular, the Stanford Mock-Prison experiment which discusses at length the roles of guard and prisoner with respect to authority and authoritarian behavior.

The School Bored Game
Jordan High School

Students are asked to role-play administrators, parents, and students who must debate and resolve certain controversies in the school, such as locker searches, smoking and mandatory attendance. Through slides and sound students explore the notion that the school environment simulates the prison environment.
(Use slides and tape)

Youth Authority
Muir High School

Using pictures from an all-day peer teaching and field experience in a California Youth Authority facility, students discuss the purpose of the CYA, its philosophy on rehabilitation, the attitudes of inmates at the institution, and the pros and cons surrounding juvenile institutions in California.
(Use slides and tape)

Sentencing
Muir High School

Students are given information on the various alternatives available to judges sentencing juveniles in California today. They are then given an actual case study involving gang rape and are asked to sentence the guilty.

Probation
Muir High School

Sets forth the principles and concerns of the Probation Department and its place in the administration of justice. Tries to simulate the interaction between probation officer and client through student role play of a case on child abandonment. Includes a tape-recorded discussion with an ex-probation officer, including his reasons for leaving that position.
(Includes cassette tape)

Prison
Muir High School

Includes information on the historical role of prisons, the pros and cons of imprisonment, recent prison rebellions, and the special problems of women in prison. Includes a student attitudinal questionnaire on the value of prisons and a tape-recorded discussion among women from the California Rehabilitation Center for Women and project students.

Evidence
Roosevelt High School

Explores the nature and application of admissible evidence. Students are given evidence in support of an individual's innocence; other students receive evidence supporting the same individual's guilt. The students must decide which evidence to use, and then, through the adversary system introduce and refute testimony in the case. A student jury must then decide whether the individual is guilty or innocent. Based on "Evidence" by Project Benchmark.

Miranda
Roosevelt High School

Two case studies, one involving a lower-class Mexican American and the other an upper-middle-class Anglo-American are used to show how the Miranda decision could lead to acquittal in some cases where confessions were obtained illegally by the police. Includes recent court decisions affecting the Miranda ruling.

Because students designed their learning packets primarily for their own use as peer teachers, many required revision and supplementary implementation instructions. These changes were made by staff members solely for the purpose of enabling new peer teachers and classroom teachers throughout the country to use these materials.

Mock Probation Debriefing

List of Exhibits

A. Student Identification Card

B. Student Recruitment Brochure

C. Sample Classroom Organization

D. Learning Packets

E. Learning Packets — Ideas

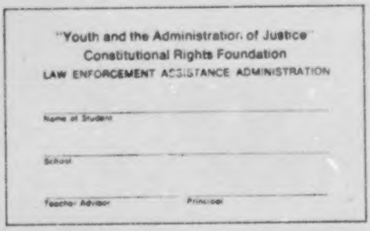
F. Guidelines for Use of A-V Equipment

G. Audio-Visual Programs

H. Multiple Projection Environments

I. Media Log

A. Student Identification Card

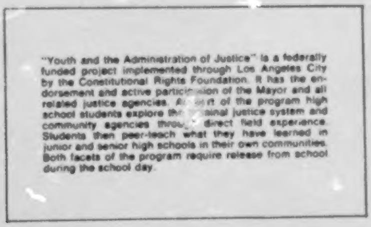


"Youth and the Administration of Justice"
Constitutional Rights Foundation
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Name of Student

School

Teacher Advisor Principal



"Youth and the Administration of Justice" is a federally funded project implemented through Los Angeles City by the Constitutional Rights Foundation. It has the endorsement and active participation of the Mayor and all related justice agencies. As part of the program high school students explore the criminal justice system and community agencies through direct field experience. Students then peer-teach what they have learned in junior and senior high schools in their own communities. Both facets of the program require release from school during the school day.

B. Student Recruitment Brochure

(Next four pages)

How Can We Join You ?

Your school counselor has all the specific information you'll need, but here are a few general comments:

- The course is an elective, taken for one year, for graduation credit.
- The course is offered through the Social Studies Department.
- Each school has its own class and its own teacher. Law students, speakers, project staff, and evaluators will visit each class on a regular basis.
- Students will be reimbursed for any travel expenses to and from community agencies or peer teaching assignments both in and out of state.
- Conferences and retreats will be scheduled throughout the year.

"I just hope that someone who is in school next year takes this class because it is a once in a lifetime chance to really get to know the justice system."

Gilbert Lopez, Jordan High School

Youth And The Administration Of Justice

PASADEN
POLICE

A Pasadena Police Officer arrests a "suspect" role-played by Muir student as part of an arrest-booking experiment conceived by the "Youth and the Administration of Justice" class.

YOUTH AND THE ADMINISTRATION OF JUSTICE
A grant from the Law Enforcement Assistance [illegible]

Dick Weintraub
Project Director

Constitutional Rights Foundation
Vivian Monroe, National Executive Director
Todd Clark, National Education Director
Nancy Hanssman, Associate Director

Peer Teaching...

Why?

It's simple.

When we teach, we learn.

Now teenagers throughout Los Angeles are learning by teaching in their own communities.

As a peer teacher you will:

- Develop increased responsibility for teaching yourself and others.
- Discover new ways of communicating with individuals and before groups— ways that work for you.
- Exercise your own creativity as you develop teaching strategies to interest other students in law and justice.
- Develop relationships with students from groups other than your own thereby increasing your awareness of the needs of all people in society.

"I didn't think I could ever get up in front of students and teach. I thought I would be scared and nervous— but I became very enthusiastic about peer teaching. I wanted to tell everyone what I had learned."

Annette Roldan, Roosevelt High School

But, There's More

Peer Teaching is only a part of the "Youth and the Administration of Justice" class. The rest is equally exciting. You will examine the criminal justice system from top to bottom, police, courts, attorneys, probation, prisons, and parole. You will also specialize your studies in areas that concern you most, like juvenile court or psychosurgery.

The unique thing about your work is that most of it will be done outside the classroom, in ride along programs, in courtrooms, in rehabilitation centers.

Last year two students actually had themselves arrested while others were placed on probation. They wanted to know what it felt like to be restricted. They learned in their own way lessons that books can't teach.

"In this class you get the chance to really work by yourself, you are the driving force, you can make it whatever you want. I like responsibility— in this class you get a lot of that!"

Jennifer Robarts, Muir High School

"When a program like this allows us to see things that need changing, we end up really wanting to change them. And for those of us who really care about people it gives us a goal, it shows us a way that maybe we can do some good."

Ernest Aguilar, Roosevelt High School

Then There Are The People...

You'll spend hours rapping with young adults currently serving out sentences in youth authority facilities and probation camps, with gang members and drug counselors, with ex-cons and law professors, with cops and with critics.

You will learn what's working and what isn't.
You will learn about justice and injustice.
You will learn what changes should be made, and how to.

This class is about sharing concerns, together.

Above: Renee Tajima, Muir High School, focuses last of three projectors for her presentation dealing with the causes of crime. Renee, as well as other students, used a multi-media approach in her peer teaching.

Below Left: "Youth and the Administration of Justice" students are intently involved in the Department of Community Services sponsored meeting on inner city gangs.

What Do We Expect From You?

- An interest in law.
- A willingness to work with others.
- A desire to teach.
- Enough time to be involved.

C. Sample Classroom Organization

Field Work
These students work through the CRF field coordinator to set up field experiences in the justice system for students in the class. They work out a system of transportation, names of students participating, date, agency contact, time, maps, etc. They also develop a form and a log of all field work done throughout the semester.

Resources
These students clip and maintain resource files by subject matter on current events, magazine articles, paperback titles dealing with the Administration of Justice, etc. Their job is to develop and maintain a classroom library of written and taped materials on the subject and to publish a classroom bibliography on what is available there and in the school library.

Ideas
These students' primary function is "brainstorming," fostering classroom discussion and direction. Their job is to listen intently to what others are saying and find ways to implement ideas, channel thoughts, provide direction. They must be the generalists who see the whole; the problems and strengths. They must work with and through the other class members. Their job is not to lead but to carry through whatever problems or issues develop. They must also decide when the class is wasting energy on an issue that is too narrow and propose alternatives.

Audio-Visual
These students supervise the checking in and out of tape recorders, cameras, slide projectors, film, flash cubes, tapes, etc. They maintain a log of materials used, arrange for developing exposed film, check and file Media-Logs with slides and tapes, set up equipment for presentations, maintain equipment in good condition, organize and maintain a picture file.

Secretarial
These students maintain records of hours spent by individual students on the project; write letters; keep files of forms, expenses, conference dates, etc.

Project Liaisons
These students establish and maintain contact with the other project schools and with the Constitutional Rights Foundation staff. They keep their class informed as to what other schools are doing. They contact the CRF staff for specific requests or problems. They set up and arrange for peer-teaching teams and schedules.

Publicity
These students write and release news coverage on the project through the project newsletter, local newspapers, radio, and television stations. They conduct a survey on each publication and establish contact with one or more representatives there. They maintain a *Newsbook* on their releases.

Speakers
These students arrange for and invite speakers into the class on special topics. They draft letters of invitation and thank-yous, arrange for lunch or coffee, make introduction of speaker to class, maintain notes, or tapes of each presentation with picture of each speaker.

D. Learning Packets

A *Learning Packet* may be defined as an assortment of instructional materials (e.g., books, lecture notes, slides, tapes, sample activities), organized to deal with a particular subject and tailored to the needs of a particular grade level in your community.

Each elective class at each of the three schools is asked to prepare ten such packets in subject areas which fulfill the objectives of the "Youth and the Administration of Justice" project.

As a result of this project, we believe all participating students will:

Be able to demonstrate increased knowledge of criminal law as measured by pre- and post-testing.

Be able to demonstrate increased knowledge of procedures used to administer justice by police, district attorney, public defender, Superior and Juvenile Courts, probation and parole, and the Department of Community Services as measured by pre- and post-testing.

Be able to demonstrate improved attitudes toward authority in general and to recognize the importance of the individual as measured by pre- and post-testing.

These Learning Packets will be used in the following ways:

As a resource for peer-teaching within the school complex (all junior and senior high government classes).

As a resource for peer-teaching at local Saturday, late afternoon, or evening conferences.

As a resource for peer-teaching at county-wide Saturday workshops.

As a resource for peer-teaching at in-State and out-of-State conferences.

Students can be organized into Learning Packet groups either by *tasks* or by *topics*.

Learning Packet Tasks include:

1. Subject Matter: Finding a Topic, Researching, Editing Essential Material, Giving an Interesting Approach.
2. Audio-Visual: Tailoring the image to the subject, deciding upon use of A-V by subject matter.
3. Evaluation: Designing pre- and post-survey, test, gunnysack technique, to determine effectiveness of presentation.
4. Community (County) Implementation: Making packet relevant to peers.
5. Junior High Implementation: Making packet relevant to younger students.
6. Elementary Implementation: Making packet relevant to very young.

In this way, all students in the class would work on and be exposed to all learning packets; areas of specialization would develop around tasks. The class would complete 10 of these packets as a team.

Broad Topic Groupings include:

1. Individual Rights: Bill of Rights, etc.
2. Apprehension of Crime: Police, FBI, Powers of the State (Watergate), Wiretapping, etc.
3. Application of Justice: Booking through the system to Acquittal or Parole.
4. Punishment/Rehabilitation: Prisons, Social Service Programs, etc.
5. Juveniles: Rights, Crime, Justice and Rehabilitation.

A Topical Approach offers limitless possibilities. In this case, each group of students would develop the total packet from deciding upon a subject, choosing and deciding upon activities, researching, developing audio-visual resources and evaluation. With five groups, each group would develop two packets.

Packets can include any or all of the following:

—Surveys: e.g., attitudes, number of criminal offenses, recommendations for change.
—Role-Playing: e.g., Police Patrol
—Interviews: e.g., of district attorney or public defender (live or A-V)
—Case histories which ask for decision
—Short Readings as introduction to discussion
—Facts which require Conclusions
—Problem Solving: e.g., Mystery Game
—Panel Discussions
—Slide Program (Audio-Visual)
—Propaganda
—Cartoons
—Games: e.g., Jury Game, Mock Trial
—Filmstrips, Movies, Tapes
—Quotations which provoke responses
—Debates: e.g., Pros and Cons Capital Punishment
—Statistics: e.g., Number of dollars spent to contain criminals vs. number of dollars spent to rehabilitate
—Collages, Mobiles, Displays, Posters, Graphs, Maps
—Songs, Poetry, Fiction, Biographies, Current Events
—The Possibility of guest speakers or participants.

E. Learning Packets — Ideas

Adversary System

- Design a simulation game around the adversary system which assumes that an individual's innocence or guilt is best discovered through a contest of wits: between the prosecution and the defense, for a jury of "impartial peers." Questions to deal with: How does it feel to be in the middle of that tug-of-war, the person on trial? What roles does ego-involvement play? Is the contest played between equals in terms of time spent on the case? What roles does money play? What psychological tactics are used to "win the jury"?
- Use the adversary system to teach the adversary system of justice. Prepare two fact sheets with arguments in support of the adversary system on one; the arguments opposed to the system on the other. Divide the class in two groups. Select five students to be the jury. Stage a debate on the issue with a speaker's podium from which key statements can be made. Include in the format summary statements and rebuttals. Get the verdict from the jury.
- Prepare fact sheets on the ways other societies determine the innocence of guilt of a person charged with the commission of a crime. Break the class into small groups. Give each group the (five) sheets, plus a blank sheet on which they are to draft an alternative should they desire to. Appoint a group or take volunteers to serve as a group of people charged with various crimes. Their task: to select the "system" they feel would be best for them. Or have one student be a district attorney, public defender, judge, citizen, prisoner and decide which is best for your role.
- Have two volunteers spontaneously role-play a trial between district attorney and public defender. Contrast their role play with two prepared students who play the roles low-key and very straight. Do people think of D.A./P.D. as Perry Mason types? Do their jobs suggest glamor, etc.? Perhaps slides/tape or video-tape would afford interesting contrast.
- With elementary school students, select two volunteers. In private give each student "his" or "her" side of a story in which someone reported that his bicycle tires were slit. These two volunteers were seen in the area. Each has his story. Ask the class what they think should happen now? Should both be punished? Let go? Should they try to find out who did it? What would be fair? Let them design a strategy. Kids understand the doctrine of fairness, even though they aren't always dealt with fairly. See what they design and contrast it with our system.

Plea Bargaining

- Design a simulation in which a judge, district attorney, defender, and defendant begin with a number of points. They enter into a trade situation in which the goal is not to prove innocence or guilt but to deal with a particular criminal case without surrendering many points.
- Prepare fact sheet on Plea Bargaining, pros and cons. Stage a debate and let class decide. Or, again assign roles, i.e., defendant, district attorney, public defender, etc. Have them decide for or against plea bargaining with their reasons why.
- Use the Spiro Agnew case to illustrate plea bargaining to group of students. Have them prepare editorials, collages, mobiles or whatever, which illustrate their feelings about plea bargaining. Give other examples, then, of how plea bargaining is used to process cases through the system more quickly, etc. See if their original opinion holds. Or, get students on their feet. Read about plea bargaining cases one by one. If they agree with plea bargaining, they move to one side of the room; disagree, the other. Have undecided in middle. Discuss each example.
- Prepare fact sheets on different kinds of criminal activity, such as: grand theft auto, petty theft, joyriding, etc., giving as well the kind of sentencing which one could expect if found guilty.
- Have students count off into groups of three. One group should role-play the district attorney, one the defense attorney, and one the defendant. Have the three "negotiate" a settlement.

Police

- Divide a class into law enforcement officers and citizens. Conduct a role-play based upon officers checking into a "disturbing the peace" complaint at an unchaperoned party of alleged juveniles. Drugs are being used by some people at the party. After the role-play and discussion, reverse roles to see if any changes occur. Have an officer in the class, if possible, and an attorney. Ask them to discuss the events and the balance between individual rights and society's rights. If not possible, have two well-read students who are doing the peer teaching discuss the same.

- Prepare a slide-tape program on a day in the life of a cop. Use music and the officer's own voice (reflections, comments, attitudes, sense of duty, why he became a cop, experiences growing up, family and educational background, etc.). Get cooperation of one police officer and spend 36 hours with him taping and filming. Augment slides with pictures taken from magazines and newspapers showing violent crime, cops being killed on the job, young people coming down on cops, children looking up, etc.
- Conduct surveys regarding attitudes toward police officers in your community, being sure to include various segments of that community: the aged, store owners, young parents, teenagers, children, etc. Go into a classroom; have students get onto their feet and take a position on left wall — like and respect, on the right wall — dislike and do not respect. Have differing places in between. Have students give reasons (experiences) which shaped their opinion of police officers. Administer your survey, compare the class with the larger sample of their community. Make sure the survey questions are specific and cover all possible areas. Ask the class what they feel could be done to improve police-community relations and publish your findings at the end of the year with survey results — copy to newspaper, police department, etc.
- Examine police stereotypes currently popular in the media from the Adam 12 variety, Serpico, Batman and Robin (supercops) to the officers of Electra Glide Blue. Take pictures of these various role models and ask class to evaluate if any police officers, in reality, match the model. Have them role-play their notion of the "perfect" law enforcement officer.
- Conduct an evaluation report on the effectiveness of the police department's community relations program. What is the intent of the program? How effective has it been in your community? Go into a class of students and ask for evidence or information regarding police-community interaction of a positive, rather than negative quality, e.g., police going into elementary schools and letting kids listen to radio in patrol cars, etc. Record the evidence or lack of it. Your goal here is to try to discover how aware the public is of the police department's efforts. Visit the police department and interview the public relations people. Find out just what they do, how many are employed, how much is spent, etc.
- Contrast in a sound-slide show various U.S. police departments with each other and those in other nations as to degree of openness, image they project, effectiveness in curbing criminal activity in their community, relationship to political establishment, community relations, etc.
- Set up a mock police commission. Have the commission "hear" complaints and decide upon course of action.

Punishment-Rehabilitation

- Prepare a sound slide show on the historical use of various kinds of capital punishment being sure to include recent reversals in the State of California. Include what a prisoner might feel or does feel while waiting for society to make up its mind, while he or she sits on Death Row.
- Prepare fact sheets setting forth on one page, arguments for capital punishment; on the other, arguments opposed. Prepare debate format and evaluation sheet. Select panel of four to debate one side; four for the other. Select a moderator. The remainder of the class should vote at the end of the debate.
- Prepare fact sheets with illustrations on various kinds of containment facilities (from our country, any time in history, imaginative models, etc.). Give to small groups with a blank sheet for drafting an alternative. Allow group to explore and adopt some kind of facility for dealing with people convicted of social wrongdoing.
- Explore the issue of scientific lobotomy, the surgical alteration of the brain used in this country. Does science offer any "solutions" to criminal behavior? Explore in slide-show or publication format. Solicit opinions from class. Do mental patients have rights? Individuals found guilty of criminal behavior, etc.? Perhaps draft a statement or editorial to the point.
- Stage a prison riot by dividing class into

inmates, guards, officials, politicians, media representatives. Prisoners have hostages and make demands. Have class prisoners draft a list of demands, and see how guards, officials and media deal with issue. Use Attica as a follow-up. What happened, how it was dealt with, what has happened to improve situation sense. Get into role of "political protest" within the prison today.

- Do an ethnic study of prison population. By sex, color, ethnic background compare type of crime and punishment with those of WASPS found guilty of the same offense. Share results with class asking key questions.
- Prepare five or more juvenile cases involving family background, school record, prior arrests and dispositions. Divide class into small groups. Have the class decide what should be done with the juvenile, if anything. Have group spokesman present a plan for rehabilitation to the rest of the class. After all groups have presented their plans and commented therein, pass out information on juvenile sentencing alternatives and the California institutions for handling juveniles. Have the groups select from the "real" choice open to them. Listen to reports and get comments.
- Write an original short story or play on life in prison. Perform for peers in different classes getting comments and having actual facts related to prison life in discussion.
- Prepare a sound-slide program on women in prison. How does the experience differ from a man in prison? Get into areas such as child support while mother is in prison, etc.

Courts

- Role-play a lengthy jury selection process with class, tell the class approximately how much is spent (hours, money) selecting juries for particular trials. Get into discussion on necessity for selection, the kinds of things an attorney can do if unhappy with a jury, the concept of trial by jury in the 21st century contrasted to trial by computer, etc.
- Illustrate to a class all the things a judge can do in the courtroom to insure a fair and impartial proceeding, i.e., gag rule, throwing someone out of court, rulings, etc.
- Present a class with various "myths" about court proceedings, i.e., the backlog of cases, role of money, etc. Confront the myths with actual studies.

Parole and Probation

- Do a sound-slide show on a parole officer, or probation officer. Get his or her feelings, attitudes about job, clients, etc. Using their voice or sound track, try to record them actually working with a client, with back to camera. Spend enough time with them (36 hours) to create enough of a relationship to allow them to discuss feelings, etc.
- Interview parolees; ask how they feel about parole. Prepare copies of parole agreement. Give copies to class of students explaining what parole is. Ask for opinions on "rights of parolees," etc.
- Do sound-slide show on LEAA student(s) working with parolees or peer teaching. Try to measure impact of peers working with peers as possible alternative.

Community Services

- Explore community preventative programs. Record what is being done, how many people are hired to provide service, salaries paid, etc. Evaluate how many people are exposed to the agencies preventative programs. Act as a liaison between the community service agency and the schools as a volunteer.
- Compare and contrast number of dollars spent at each point in justice system, i.e., to arrest, to try, to punish/rehabilitate, to prevent, to return to community, etc. Survey class of students as to where they think money is being spent; contrast your results with their opinions.

Crime

- Prepare role sheets on various individuals, including age, sex, race or ethnic background, income, marital status, religious convictions, etc. Take slides and tape individual's background. Ask class which individual they feel is most likely to commit a crime? Have them give reasons. Explore other persons' criminal stereotypes and contrast with white-collar crime, mafia activity, actual cases of individuals convicted of crimes.
- Compare and contrast the amount of time and energy our society spends on various kinds of criminal activity, e.g., compare marijuana to heroin, petty theft to fraud, grand theft to environmental pollution. What constitutes a crime? What kinds of crimes should receive priority attention from law enforcement agencies? Have class define these priorities.

Lawyer-Client

- Set up and perform a mock interview between lawyer and client when accused of a crime. Go over with class cost, time, and various stages in trial procedure.

PEER TEACHING MODEL —

Classroom Presentation

Springboard — Warming up the Audience, or Introduction
Who are you? Why are you here? What are you going to do?

Subject — What is it that you will discuss, show, illustrate or do?
What does your topic have to do with the people in your audience? How does the subject effect them?

Description of Activity(s) listed and described in the order you feel they should occur.

Description or enclosure of any material you plan to distribute or show.

How do you plan to end your presentation? Will you try to evaluate if learning has occurred? If so, how?

Lesson Title:

Springboard:

Subject:

Activity Sequence:

Materials to be used or distributed:

Ending remarks or Evaluation technique:

F. Guidelines for Use of A-V Equipment

In General:

Any person appearing before justice agency personnel must remain anonymous; under no circumstances photograph or record the voice of any client.

Please keep in mind you are an observer of proceedings that are especially critical to clients and justice agency personnel. It is therefore never acceptable to take a picture, record, or move around the room when these actions are a distraction.

It is always best to check with the justice agency representative with whom you are working regarding the most opportune moments for media work.

Try to plan ahead for picture taking and sound recording. If possible ask in the morning about the day's activities so that you'll know when to schedule pictures and recording.

Keep a log of all pictures and/or sound recorded. It is easy to forget later who is in the picture or who is talking. (See Media Log)

Remember your audience. Most of the people viewing your pictures or listening to your tapes will be of high school or junior high school age. What kinds of things would they be interested in? What part of your experience would they like to hear about?

When recording:

Keep volume as low as possible. This will minimize distortion and cut background noise.

Keep the microphone stationary while recording and positioned as close as possible and facing the sound source.

Try to predict abrupt changes in volume while recording and compensate by moving the volume control (e.g., applause).

When taking pictures, keep in mind the following:

Is the room light enough for a picture? When in doubt, use a flash cube for subjects in close range.

Is the image well framed and without distracting background? Keep it simple.

Will the picture be interesting to look at?

Will it add or detract from any presentation you might give later?

Try to photograph "key moments" or experiences; avoid trivia.

Is there any way of "setting up" the picture so as to give it a special interest or artistic quality?

Would two or more pictures be good of the same event, one at close range, one or more from further away?

Record various expressions on faces or body language.

Photograph "action sequences" or several pictures taken at various states of the same event (i.e., arrest/pat down/handcuffing/reading rights of citizen prior to questioning/booking/fingerprinting/mug shot/phone call/cell).

When you can't take pictures of clients, use one another as role models for the pictures.

Take pictures of symbols, for example, handcuffs, keys, badges, as these are effective later when putting your story on the screen.

Be creative. Take some unusual shots for effect.

G. Audio-Visual Programs

Preparing an audio-visual program can be an exciting experience, and far different than many of your other assignments and classroom activities. You have a chance, working with images, factual information or personal statements to create your own view of events or issues that have meaning to you.

AUDIO-VISUAL PROGRAMS: A Plan of Attack

First, read the background information on your subject. This will help you to get a handle on the subject. You don't have to use any of the information in your presentation. But you might want to keep it in mind so you can add some emphasis to what you'll be saying, or provide background where it is needed.

Next, read some quotations and excerpts; any "in their own words" material. They represent a broad variety of viewpoints and opinions of how people felt at the time. They will give you a flavor of the events or problems you'll never get from reading the facts.

Now you are ready to think about a theme around which to build your presentation. When thinking about a possible theme, consider: what is it you want to say? what is the essential message of your presentation? Keep your topic simple. Slides and tapes can be utilized in this project in roughly three different ways:

To Make a Statement. Images can be organized and manipulated like propaganda to set forth an issue, to editorialize, to make a personal statement or commentary. For example, you might feel that capital punishment is morally indefensible at this time in human history. You might make that statement by selecting images and music that relate.

2. To Report or provide In-Depth "Focus." To report more thoroughly about the activities of particular agencies, people in them, or students from the LEAA project visiting, talking, and interviewing clients there. In-Depth programs can feature issues, e.g., the "No-Knock Rule" and the legal issues surrounding this provision, or report on prison conditions and the efforts being made at reform.

3. As an Integral Part of Something Else. Slides and tapes might be used as part of a mock trial or any other simulation. They might be used as part of attitude surveys, evidence of crime being committed, conditions in jail, etc. Here the media merely accompanies some other activity (i.e., lecture, discussion, group activity, etc.) in your learning packet.

Finding the Images:
Finding the images which communicate your topic can be a tedious and lengthy task. Here it is especially important to analyze your audience. What experiences have they had with your topic? What experiences do they have in common? Give your audience a visualized experience they can understand.

Images can be found and photographed from magazines or books with copy stand and 35mm camera. When you can't remove the picture from its source, mark down its content and location on your Media Log for future picture-taking. **Whenever you use a picture, keep a record of the source from which you took the picture (publisher, date, page, title) and the name of the photographer, if given.**

Each slide is called a "frame." Try to set up your theme toward the beginning of your program by carefully selecting ten or more frames which clearly define the issue you are presenting.

Vary the kind of frames you use. A cartoon will convey a simple idea without extraneous detail in the background. A single word or phrase will emphasize a point. Close-ups and long-distance shots of the same subject provide interest and the illusion of movement in the film.

There are different kinds of pictures which produce different experiences in the audience. Try to carefully select pictures which have the desired effect.
"Feeling" Pictures:
carry with them emotional bias.
"Telling" Pictures:
convey storyline, or setting, the objective event.
"Asking" Pictures: involve the audience by asking them to think about something or by posing a problem.
Interesting alternatives to regular pictures include:
Single word frames:
used to emphasize a point.
Graphic Images:
Peter Max designs might suggest consciousness expansion or drug culture, two twisting lines might symbolize confusion.
Unnatural Color Pictures:
for heightened visual effect
Same picture done in black and white and in color
Collages — several images in one frame
Cartoons — Humor or satire
Profiles of faces — used as contrast to full face shots
Symbolic Pictures — flag, gun, Constitution

Planning a Storyboard (Film or Slide Shows)
Prepare a 3x5 card on each slide, including the following:

Sketch proposed picture:
# of Slide
Title of Slide:
Audio for Slide:
Info to Photographer:

Arrange cards in a story sequence. Add new cards where you need to fill in needed information or explanation.

Make the sequence tell a story, or make a comment. The frames should build in interest and anticipation.

Select only the best slides. Press for quality. Tailor visuals to the level of your audience. Will they really see what you mean?

Revisit, pictorially, your basic theme several times during the program.

Use contrasts and comparisons for emphasis.

Allow audience to participate mentally or verbally by raising questions for each person to think about, by allowing audience to make its own conclusions on basis of information you present, or by challenging response' by presenting a strong, controversial one-sided statement.

Shooting the Pictures:
If you need to take "live" pictures, plan well in advance to compensate for changes in other peoples' schedules, poor weather or any other unforeseen circumstance. Use your *Media Log* to record by frame who or what the subject matter is and other relevant information.

If you need to do "copy" work, arrange with your school to see if there is a copy stand and 35mm camera available. If not, check with the CRF staff who will make the copies for you.

Allow ample time for developing slides and editing (10 days).

Preparing the Sound Track:
Your sound tape is really an important medium for tying the images into some understandable pattern or message. It therefore demands equal time and planning. Think of a way to minimize "talking at an unseen audience."

In addition to the recorded voice of a narrator, you might include:

- Excerpts from songs or instrumentals either as background or thematic music.
- Poetry — here choose brief thoughts that summarize feelings or issues you have been discussing.
- Quotations or parts of interviews — these might be fact-laden quotes from authorities or merely opinions held by citizens on the subject.
  - Current news on the issues
  - Alternating male/female voices
  - Alternating narrators
  - Statistics
  - Sound effects
- Emotionally intent or soothing voice tones

Other advice to consider when planning the audio part of the presentation would be:

Avoid needless detail.

Keep sentences short and to the point.

Since the slides will be up on the screen while a voice or music carries the basic message, the slide should be up only so long as it helps the message. Try to limit the time to 15 seconds per frame with an absolute upper limit of 30 seconds. At normal speed, that is about 30 to 75 words.

Just because you are going to use slides does not mean you will describe each of them. None of this, "Now you see a picture of. . . ." That slide is there, so when you say something, it will drive the point home just by being there.

As you move from slide to slide, there is always the problem of transition. Don't say, "Well, now that we've covered that, let's go on. . . ." One good form of transition is to introduce the new event of picture in the last sentence of the audio for the last picture, i.e., "But events were to take a new direction" (as new slide will then indicate) or "a few miles away, students had different ideas . . ." (as the next slide proceeds to show).

Sound Recording:
Try to record the program in one recording session. Editing is very difficult on tape cassettes and requires special equipment. Plan an audio script and record from that plan. Take a timed (stop-watch) run through the material. Establish a comfortable speed for all "spoken" parts of the program — the usual pattern is that nervous narrators rush through their material making it awfully difficult to follow.

Environmental Design and Implementation:
What kind of introduction will your A-V program need? What kind of follow-up? Do you want any environmental posters? special lighting? special seating arrangement? If so, plan in advance.

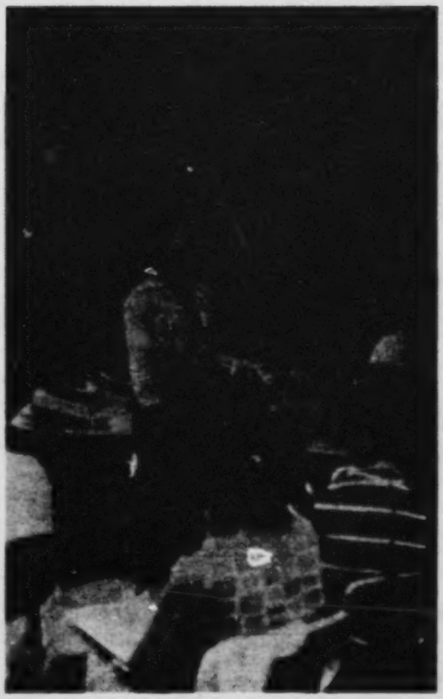
Rehearsals:
Perhaps needless to include but yet of tremendous experience is adequate rehearsal, especially for difficult programs.

Try your program out on friends, listen to their comments, and try to make recommended changes. If younger or older people are going to see the program, arrange for a trial run with relatives or friends.

The day of the performance, check all equipment to make sure it is in good working order. Have an extra projector lamp.

Remember to talk to your audience — not to the screen. Encourage their participation in your program. You may have a captive audience, but the mind is always free — be prepared to capture their attention.

Peer Teaching — Using Three Projectors



H. Multiple Projection Environments

Philosophy

Using more than one image at a time or more than one screen is called Multiple Projection. As a performing art it is, according to Stan Vanderbeek, film producer, "an image library, a newsreel of dreams, a cultural intercom."

The purpose and effect of such "image flow" is twofold; told first to deal with logical understanding and second, to penetrate to unconscious levels, to reach for emotions or a nonverbal level; the basis of all communications. Since man has the ability to think far more rapidly than to speak or to read, it follows that the conventional one-image-at-a-time presentation dulls the mind and renders passive the thinking person.

In multiple projection art images become integrated with sound in what is called "Mickey Mouse synchronization." The entire theatre as well becomes part of the environment and consequently should be used as an instrument in visual and acoustical space. Sound might come from anywhere in the room; images might bombard the viewer from ceilings, floors, all four walls; strobe lights might flash on cue to emphasize drama; black lights might illuminate decorative posters; fabric might drift from stark, plaster walls; cushions on the floor might restructure a stuffy seating arrangement.

One multiple projection environment called the "Floating Theatre" uses a parachute canopy of 32-50' diameter as a screen. Fans inflate the canopy-screen above and surrounding the audience. The production uses five 16mm projected films, four slide projectors, stereo sound, and its novel environment for effect.

Vision is not a fact but a composite of many sensations. In multiple projection you create the sensations — the viewer "envisions." He or she becomes involved totally in the production, being forced to use thought and energy to tie the image-flow into some form of personal understanding.

Montage

A montage is an effect created through overlapping images.

Montage:

First take images A, B, and C. First show A, then superimpose B over it to get AB; then A fades to C. At one brief moment you achieve ABC simultaneously on the screen.

Superimpositions and Compounded Images:

These images emerge from blurry haze and slowly take form.

These images are not generally used for dramatic effect but as a psychic exercise on part of viewer.

Parallels:

Simultaneous but separated by Space Images.

Cinemascope:

All screens in line of view carry segments of same image.

Pacing and Rhythm:

Achieved by rate of image change; alternating screens or images.

Kinescope:

Singular images, separate, set into motion by filming each image on 16mm or 8mm movie film.

I. Media Log

AUDIO			VISUAL		
Minutes	Source	Description	Frame	Place	Action Description
Side 1					
Side 2					

SPECIAL INSTRUCTIONS: ______________________________

____

____

SOUND TECHNICIAN ______________________________

PHOTOGRAPHER ______________________________

CONSTITUTIONAL RIGHTS FOUNDATION YOUTH AND THE ADMINISTRATION OF JUSTICE

WHAT IS POSITIVE PEER CULTURE?

Reprinted with permission from the book Positive Peer Culture by Harry H. Vorrath and Larry K. Brendtro, copyright 1973, published by Aldine Publication Company, Chicago, Ill., 1974.

A student hurls a book across the room, laughs, and blurts out a remark designed to disrupt the class. Before the teacher can respond, other students in the room confront the offender for being "inconsiderate" and tell him to "check" himself. The youth, having received no peer support for his actions, slumps quietly into his seat. The teacher resumes her instruction without having said one word about the behavior problem.

The security guard in a large urban high school gets word that a student has brought a gun to school. If the guard ignores the tip he knows that other youth may arm themselves in a contagious fear, but he is reluctant to approach the student himself. Indeed, if he were to call the police the incident could well escalate into major trouble. So he passes on the information to a group of students who are indigenous peer leaders. These students approach the youth. "Hey, man, what's that bulge in your jacket? You don't mean you brought your piece to school? You take that thing home right now. If you bring your toys to school you might shoot yourself or something, and we don't want anybody getting hurt, understand?" The youth grins nervously when these influential peers confront him, and he agrees to get rid of the gun.

A group home for troubled girls had severe drug abuse problems. The result of the many attempts to suppress the activity was a cold war between staff and youth. Suspicion, searches, and restrictions became commonplace. That was a year ago. Now staff members no longer police students for drugs, and the climate of intrigue is gone. As a new girl enters, her peers confiscate any drugs she may have and tell her, "We don't have to use dope around here." Drug problems are dealt with openly in a helpful, matter-of-fact way. Group members state with strong conviction that when a person has good feelings about herself she no longer needs to get high on drugs.

In a residential treatment center for court-committed youth a new student suggests to others that he is planning to run away. Instead of finding partners in truancy he encounters a totally unexpected peer response. "Listen, running isn't where it's at. That's just a copout. You have to face things. We're not going to let you mess over yourself, if we have to stay up all night and put our mattresses in front of your door to make sure you're still here in the morning, we will. But we really don't like to sleep on the floor, guarding you like you're a child. You're man enough to take care of yourself!"

What is happening in these situations? In each, young people are part of a program called Positive Peer Culutre.

Positive Peer Culture departs decisively from traditional approaches and charts a new course in the fields of education and treatment. A comprehensive strategy for dealing with the problems of youth, PPC teaches students to assume responsibility for helping one another.

Young people are profoundly influenced by associations with their peers. Too often the peer group has been viewed only as a liability; too seldom has it been seen as a resource. Just as peer group influence can foster problems, so also can the peer process be used to solve problems.

Positive Peer Culture is not a new brand of group therapy that has just appeared on the market. Nor is PPC "something extra" that can be added to an existing program, as one might attach accessories to an automobile. Instead, PPC is a total system for building positive youth subcultures.

Although first developed for delinquent youth, PPC now is being employed in a wide range of settings. Schools, community programs, juvenile courts, group homes, and other childcare facilities have found PPC to be a clear and viable alternative to existing programs.

The history of PPC can be traced to the senior author's experiences at Highfields in the late 1950's. This residential treatment program for delinquent youth was established in a mansion given to the state of New Jersey by Charles A. Lindbergh. There, under the guidance of Lloyd McCorckle, Lovell Bixby, Albert Elias, and others, a peer-oriented treatment model called Guided Group Interaction was developed. In this approach structured peer groups met five times weekly in group counseling sessions, and youth assumed responsibility for one another's behavior outside the group meetings. The program at Highfields received wide attention as an innovative treatment design.

Following his experience at Highfields, Harry Vorrath worked with colleagues to employ this model in a variety of community and institutional settings. In response to certain initial problems, the program was modified, expanded, and refined until it reached its present form. The result is a comprehensive and specific treatment methodology, now known as Positive Peer Culture.

Built around groups of nine youth under the guidance of an adult leader, Positive Peer Culture is designed to "turn around" a negative youth subculture and mobilize the power of the peer group in a productive manner. Youth in PPC groups learn how to identify problems and how to work toward their resolution. In group sessions and in day-to-day activities the goal is to fully involve young people in the helping process.

In contrast to traditional treatment approaches PPC does not ask whether a person wants to receive help but whether he is willing to give help. As the person gives and becomes of value to others he increases his own feelings of worthiness and builds a positive self-concept.

PPC does not avoid the challenge of troublesome youth; rebellious and strong-willed individuals, when redirected, have much to contribute. Those who have encountered many difficulties in their own lives are often in the best position to understand the problems of others.

Positive Peer Culture does not seek to impose specific rules but to teach basic values. If there were one rule, it would be that people must care for one another. Caring means wanting what is best for a person. Unfortunately, positive caring behavior is not always popular among youth. In fact, negative, harmful behavior frequently is more acceptable. Therefore, PPC uses specific procedures to foster caring behavior. Once caring becomes fashionable, hurting goes out of style.

Positive Peer Culture has had its most dramatic success to date in turning around schools and institutions that were plagued with severe problems of student unrest and adult-youth conflict. In CHILDREN IN TROUBLE: A NATIONAL SCANDAL, a nationwide study of programs for problem youth, the Pulitzer-prize-winning journalist Howard James described the success of PPC in a school for delinquent youth:

> "Mr. Vorrath was given the opportunity to prove that his ideas worked with small groups in Kentucky, Washington, D.C., and in scattered spots across the country. The projects were successful. He was able to turn small groups of tough delinquents around. But Mr. Vorrath wanted to try his program at a large institution.
>
> "He got his chance in 1968 after things fell apart at a rather average reform school at Red Wing, Minnesota. Youngsters rioted and ran. Mr. Vorrath was called in.
>
> "Using a technique that might be described as building a culture of caring, Mr. Vorrath divides the boys into groups [with each member] responsible for all the boys in his group.
>
> "His program is built on love- "not the sweet, sugar-coated kind," he adds. "I'm talking about the unselfish love that makes a Marine crawl on his belly into enemy fire to save a wounded buddy."
>
> "There can be little doubt that the program works. At Red Wing, I talked to boys sprawled on the lawn playing chess on a warm Sunday afternoon. Others batted a baseball around-all without supervision. The boys learn to help each other stay out of trouble.

> "Two-, three-, and four-time losers agree that before Mr. Vorrath arrived they could "con" the staff into letting them go home by pretending to conform to institutional requirements. No attitudinal improvement took place. All this is changing.
>
> "There are still important questions to be answered. Will Mr. Vorrath's culture of caring - what one finds in a strong, happy family - last after Mr. Vorrath has moved on to other institutions? Can he teach others to build his culture? And can youngsters so absorb this philosophy of caring deeply for others that they can survive on their own in the harsh, dog-eat-dog world they came from?
>
> "[Nevertheless] I was more heartened by what I saw at Red Wing than by anything else going on in large institutions anywhere in America."

Currently PPC programs are operating in all parts of the country and in a variety of settings.

> An urban midwestern high school that was beset by riots, police surveillance of hallways, and a high dropout rate is now the scene of positive rapport between students and faculty. The guidance department tells PPC groups about any student who is nearing failure or suspension so that peers may have the opportunity to help him to succeed. Students of diverse cultural and ethnic backgrounds are no longer warring but work together to solve mutual problems.
>
> A large state correctional school operates with unlocked doors for the first time in more than a century. The atmosphere is no longer clouded with fear, mistrust, and intimidation. Teachers are now free to teach without being entangled in futile attempts to discipline and control youth. A group of youth, once a street gang that had engaged in dozens of undetected felonies, now works as an adjunct to the juvenile court. Members serve as assistant probation officers and are assigned to help with new offenders. This court, which has had great difficulty in recovering runaway youth, now uses peers to locate

truants and "talk them back in" so they may be involved in constructive treatment.

PPC is not a permissive, laissez-faire approach but places considerable demands on youth. Although adults remain in charge, young people have the responsibility for helping one another. They must learn that no one has a right to ignore a person in need, for in the words of George Bernard Shaw: "The worst sin toward our fellow creatures is not to hate them but to be indifferent to them; that's the essence of inhumanity." PPC asks much of youth in the knowledge that people seldom will be more responsible than they are expected to be or more helpful than they are allowed to be.

Positive Peer Culture is a synthesis of several long-known but seldom-utilized principles. While PPC can be related to theories of learning and group processes it grows not from theory but from practice. Positive Peer Culture was not suddenly invented but has gradually emerged through years of searching for those factors that underlie successful group programs. The procedures that have evolved are those that have survived the tests of time and experience.

Although the basic concepts of PPC can be easily understood, it is no simple matter to produce a truly positive culture of young people. Careful planning and organization is necessary, with attention given to many different variables. An effective program also requires properly trained staff who are committed to the task of developing the positive potentials of youth. This book outlines the ingredients and procedures essential to such a program.

PART 3—RIGHTS AND RESPONSIBILITIES

GOSS v. LOPEZ

Cite as 95 S.Ct. 729 (1975)

Norval GOSS et al., Appellants,
v.
Eileen LOPEZ et al.
No. 73-898.
Argued Oct. 16, 1974.
Decided Jan. 22, 1975.

Class action was brought by a number of Columbus, Ohio public school system students to review their suspensions without hearing, either prior to or within reasonable time thereafter, under authority of Ohio statute permitting suspension of pupils for misconduct for up to ten days. A Three-Judge United States District Court for the Southern District of Ohio, Eastern Division, 372 F.Supp. 1279, held that the students were denied due process and the statute was unconstitutional and an appeal was taken. The Supreme Court, Mr. Justice White, J., held that students facing temporary suspension from public school were entitled to protection under the due process clause and that due process required, in connection with suspensions of up to ten days, that such a student be given notice of charges and an opportunity to present his version to authorities preferably prior to removal from school, but there were instances in which prior notice and hearing were not feasible and the immediately removed student should be given necessary notice of hearing as soon as practicable.

Affirmed.

Mr. Justice Powell filed a dissenting opinion in which the Chief Justice and Mr. Justice Blackmun and Mr. Justice Rehnquist joined.

1. Constitutional Law ⟹277(1)

Protected interests in property within Fourteenth Amendment are normally not created by Constitution but rather they are created and their dimensions are defined by an independent

source such as state statutes or rules entitling citizen to certain benefits. U.S.C.A.Const. Amend. 14.

2. Constitutional Law ⇐318(2)

State employee who under state law or rules promulgated by state officials has a legitimate claim of entitlement to continued employment absent sufficient cause for discharge may demand the procedural protections of due process as may welfare recipients who have a statutory right to welfare as long as they maintain specified qualifications. U.S.C.A.Const. Amend. 14.

3. Schools and School Districts ⇐148

Where Ohio statutes directed local authorities to provide free education to all residents between six and 21 years of age and a compulsory attendance law required attendance for school year of not less than 32 weeks, Ohio, having chosen to extend right of education to people, could not withdraw that right on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct has occurred. U.S.C.A.Const. Amend. 14; R.C.Ohio §§ 3313.48, 3313.64, 3321.04.

4. Constitutional Law ⇐82

Young people, who under the Ohio statutes, are required to attend school, do not shed their constitutional rights at the schoolhouse door. U.S.C.A.Const. Amend. 14; R.C.Ohio §§ 3313.48, 3313.64, 3313.66.

5. Constitutional Law ⇐277(1)
Schools and School Districts ⇐169

Authority possessed by state to prescribe and enforce standards of conduct in its schools, although concededly very broad, must be exercised consistently with constitutional safeguards; state is constrained to recognize student's legitimate entitlement to public education as a property interest which is protected by the due process clause and which may not be taken away for misconduct without adherence to minimum procedures required by that clause. U.S.C.A.Const. Amend. 14.

6. Constitutional Law ⇐253(1)

Due process clause forbids arbitrary deprivations of liberty. U.S.C.A.Const. Amend. 14.

7. Constitutional Law ⇐318(2)

Since if sustained and recorded the misconduct charges could seriously damage public school students' standing with fellow pupils and teachers as well as interfering with later opportunities for higher education and employment, claimed right of Ohio under statute to determine unilaterally and without due process whether that misconduct has occurred and to suspend students for periods of up to ten days based on charges of misconduct collides with requirements of the Constitution protecting interests in liberty. R.C.Ohio §§ 3313.66, 3321.04; U.S.C.A.Const. Amend. 14.

8. Constitutional Law ⇐318(2)
Schools and School Districts ⇐177

A ten-day suspension of students from school could not be considered de minimis and therefore imposed without a hearing in complete disregard of due process; neither property interest in educational benefits temporarily denied nor liberty interest in reputation was so insubstantial that suspensions might be constitutionally imposed by any procedures school chose no matter how arbitrary. U.S.C.A.Const. Amend. 14; R.C.Ohio §§ 3313.48, 3313.64.

9. Schools and School Districts ⇐177

Length and consequent severity of deprivation of right to public education because of suspension, while a factor to be weighed in determining appropriate form of hearing, was not conclusive of the basic right to a hearing of some kind. U.S.C.A.Const. Amend. 14.

10. Constitutional Law ⇐253(1)

Interpretation and application of due process clause are intensely practical matters and the very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation. U.S.C.A.Const. Amend. 14.

11. Schools and School Districts ⇐11

Judicial interposition in operation of public school system of nation raises problems requiring care and restraint since by and large public education in our nation is committed to the control of state and local authorities.

12. Constitutional Law ⇐305(2), 309(1)

Cryptic and abstract words of the due process clause at a minimum require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case. U.S.C.A.Const. Amend. 14.

13. Schools and School Districts ⇐177

At minimum, public school students facing suspension and its consequent interference with protected property interest must be given some kind of notice and afforded some kind of hearing; timing and content of notice and nature of hearing will depend on appropriate accommodation of competing interests involved. U.S.C.A.Const. Amend. 14.

14. Constitutional Law ⇐318(2)

Due process requires in connection with suspension of public school student for ten days or less that the student be given oral or written notice of charge against him and, if he denies it, an explanation of evidence the authorities have and opportunity to present his side of the story; and there need be no delay between time notice is given and time of hearing since in the great majority of the cases the disciplinarian may discuss the alleged misconduct with the student minutes after it has occurred; students whose presence imposes a continuing danger to persons or property or an ongoing threat of disrupting academic process may be immediately removed from school and in such cases the necessary notice and rudimentary hearing should follow as soon as practicable. U.S.C.A.Const. Amend. 14.

15. Schools and School Districts ⇐177

Even if it were assumed that Ohio statute dealing with general administrative review could be used to appeal from disciplinary decision by school officials suspending public school student without notice or hearing, it would be insufficient in that the proceeding offered by review statute is not de novo and because it must be assumed that delay would attend any such statutory proceeding, that the suspension would not be stayed pending hearing and that student meanwhile would irreparably lose education benefits. R.C.Ohio §§ 2501.06, 3313.66.

Syllabus *

Appellee Ohio public high school students, who had been suspended from school for misconduct for up to 10 days without a hearing, brought a class action against appellant school officials seeking a declaration that the Ohio statute permitting such suspensions was unconstitutional and an order enjoining the officials to remove the references to the suspensions from the students' records. A three-judge District Court declared that appellees were denied due process of law in violation of the Fourteenth Amendment because they were "suspended without hearing prior to suspension or within a reasonable time thereafter," and that the statute and implementing regulations were unconstitutional, and granted the requested injunction. *Held:*

1. Students facing temporary suspension from a public school have property and liberty interests that qualify for protection under the Due Process Clause of the Fourteenth Amendment. Pp. 735–737.

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* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See United States v. Detroit Timber & Lumber Co., 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.

(a) Having chosen to extend the right to an education to people of appellees' class generally, Ohio may not withdraw that right on grounds of misconduct, absent fundamentally fair procedures to determine whether the misconduct has occurred, and must recognize a student's legitimate entitlement to a public education as a property interest that is protected by the Due Process Clause, and that may not be taken away for misconduct without observing minimum procedures required by that Clause. Pp. 735-736.

(b) Since misconduct charges if sustained and recorded could seriously damage the students' reputation as well as interfere with later educational and employment opportunities, the State's claimed right to determine unilaterally and without process whether that misconduct has occurred immediately collides with the Due Process Clause's prohibition against arbitrary deprivation of liberty. P. 736.

(c) A 10-day suspension from school is not *de minimis* and may not be imposed in complete disregard of the Due Process Clause. Neither the property interest in educational benefits temporarily denied nor the liberty interest in reputation is so insubstantial that suspensions may constitutionally be imposed by any procedure the school chooses, no matter how arbitrary. Pp. 736-737.

2. Due process requires, in connection with a suspension of up to 10 days, that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his version. Generally, notice and hearing should precede the student's removal from school, since the hearing may almost immediately follow the misconduct, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable. Pp. 738-741.

372 F.Supp. 1279, affirmed.

Thomas A. Bustin, Columbus, Ohio, for appellants.

Peter D. Roose, Cambridge, Mass., for appellees.

Mr. Justice WHITE delivered the opinion of the Court.

This appeal by various administrators of the Columbus, Ohio, Public School System ("CPSS") challenges the judgment of a three-judge federal court, declaring that appellees—various high school students in the CPSS—were denied due process of law contrary to the command of the Fourteenth Amendment in that they were temporarily suspended from their high schools without a hearing either prior to suspension or within a reasonable time thereafter, and enjoining the administrators to remove all references to such suspensions from the students' records.

I

Ohio law, Rev.Code § 3313.64, provides for free education to all children between the ages of six and 21. Section 3313.66 of the Code empowers the principal of an Ohio public school to suspend a pupil for misconduct for up to 10 days or to expel him. In either case, he must notify the student's parents within 24 hours and state the reasons for his action. A pupil who is expelled, or his parents, may appeal the decision to the Board of Education and in connection therewith shall be permitted to be heard at the board meeting. The board may reinstate the pupil following the hearing. No similar procedure is provided in § 3313.66 or any other provision of state law for a suspended student. Aside from a regulation tracking the statute, at the time of the imposition of the suspensions in this case the CPSS had not itself issued any written procedure applicable to suspensions.[1] Nor, so far as the record reflects, had any of the individual high schools involved in this case.[2] Each, however, had formally or informally described the conduct for which suspension could be imposed.

The nine named appellees, each of whom alleged that he or she had been suspended from public high school in Columbus for up to 10 days without a hearing pursuant to § 3313.66, filed an action against the Columbus Board of Education and various administrators of the CPSS under 42 U.S.C. § 1983. The complaint sought a declaration that § 3313.66 was unconstitutional in that it permitted public school administrators to deprive plaintiffs of their rights to an education without a hearing of any kind, in violation of the procedural due process component of the Fourteenth Amendment. It also sought to enjoin the public school officials from issuing future suspensions pursuant to § 3313.66 and to require them to remove references to the past suspensions from the records of the students in question.[3]

The proof below established that the suspensions in question arose out of a period of widespread student unrest in the CPSS during February and March of 1971. Six of the named plaintiffs, Rudolph Sutton, Tyrone Washington, Susan Cooper, Deborah Fox, Clarence Byars and Bruce Harris, were students at the Marion-Franklin High School and were each suspended for 10 days[4] on account of disruptive or disobedient conduct committed in the presence of the school administrator who ordered the suspension. One of these, Tyrone Washington, was among a group of students demonstrating in the school auditorium while a class was being conducted there. He was ordered by the school principal to leave, refused to do so and was suspended. Rudolph Sutton, in the presence of the principal, physically attacked a police officer who was attempting to remove Tyrone Washington from the auditorium. He was immediately suspended. The other four Marion-Franklin students were suspended for similar conduct. None was given a hearing to determine the operative facts underlying the suspension, but each, together with his or her parents, was offered the opportunity to attend a conference, subsequent to the effective date of the suspension, to discuss the student's future.

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[1] At the time of the events involved in this case, the only Administrative regulation on this subject was § 1010.04 of the Administrative Guide of the Columbus Public Schools which provided: "Pupils may be suspended or expelled from school in accordance with the provision of § 3313.66 of the Revised Code." Subsequent to the events involved in this lawsuit, the Department of Pupil Personnel of the CPSS issued three memoranda relating to suspension procedures dated August 16, 1971, February 21, 1973, and July 10, 1973, respectively. The first two are substantially similar to each other and require no fact-finding hearing at any time in connection with a suspension. The third, which was apparently in effect when this case was argued, places upon the principal the obligation to "investigate" "before commencing suspension procedures"; and provides as part of the procedures that the principal shall discuss the case with the pupil, so that the pupil may "be heard with respect to the alleged offense," unless the pupil is "unavailable" for such a discussion or "unwilling" to participate in it. The suspensions involved in this case occurred, and records thereof were made, prior to the effective date of these memoranda. The District Court's judgment, including its expunction order, turns on the propriety of the procedures existing at the time the suspensions were ordered and by which they were imposed.

[2] According to the testimony of Phillip Fulton, the principal of one of the high schools involved in this case, there was an informal procedure applicable at the Marion-Franklin High School. It provided that in the routine case of misconduct, occurring in the presence of a teacher, the teacher would describe the misconduct on a form provided for that purpose and would send the student, with the form, to the principal's office. There, the principal would obtain the student's version of the story, and, if it conflicted with the teacher's written version, would send for the teacher to obtain the teacher's oral version—apparently in the presence of the student. Mr. Fulton testified that, if a discrepancy still existed, the teacher's version would be believed and the principal would arrive at a disciplinary decision based on it.

[3] The plaintiffs sought to bring the action on behalf of all students of the Columbus Public Schools suspended on or after February 1971, and a class action was declared accordingly. Since the complaint sought to restrain the "enforcement" and "operation" of a state statute "by restraining the action of any officer of such State in the enforcement or execution of such statute," a three-judge court was requested pursuant to 28 U.S.C. § 2281 and convened. The students also alleged that the conduct for which they could be suspended was not adequately defined by Ohio law. This vagueness and overbreadth argument was rejected by the court below and the students have not appealed from this part of the court's decision.

[4] Deborah Fox was given two separate 10-day suspensions for misconduct occurring on two separate occasions—the second following immediately upon her return to school. In addition to his suspension, Sutton was transferred to another school.

Two named plaintiffs, Dwight Lopez and Betty Crome, were students at the Central High School and McGuffey Junior High School, respectively. The former was suspended in connection with a disturbance in the lunchroom which involved some physical damage to school property.[5] Lopez testified that at least 75 other students were suspended from his school on the same day. He also testified below that he was not a party to the destructive conduct but was instead an innocent bystander. Because no one from the school testified with regard to this incident, there is no evidence in the record indicating the official basis for concluding otherwise. Lopez never had a hearing.

Betty Crome was present at a demonstration at a high school different from the one she was attending. There she was arrested together with others, taken to the police station, and released without being formally charged. Before she went to school on the following day, she was notified that she had been suspended for a 10-day period. Because no one from the school testified with respect to this incident, the record does not disclose how the McGuffey Junior High School principal went about making the decision to suspend Betty Crome nor does it disclose on what information the decision was based. It is clear from the record that no hearing was ever held.

There was no testimony with respect to the suspension of the ninth named plaintiff, Carl Smith. The school files were also silent as to his suspension, although as to some, but not all, of the other named plaintiffs the files contained either direct references to their suspensions or copies of letters sent to their parents advising them of the suspension.

On the basis of this evidence, the three-judge court declared that plaintiffs were denied due process of law because they were "suspended without hearing prior to suspension or within a reasonable time thereafter," and that § 3313.66 Ohio Rev.Code and regulations issued pursuant thereto were unconstitutional in permitting such suspensions.[6] It was ordered that all references to plaintiffs' suspensions be removed from school files.

Although not imposing upon the Ohio school administrators any particular disciplinary procedures and leaving them "free to adopt regualtions providing for fair procedures which are consonant with the educational goals of their schools and reflective of the characteristics of their school and locality," the District Court declared that there were "minimum requirements of notice and heaing prior to suspension, except in emergency situations." In explication, the court stated that relevant case authority would: (1) permit "immediate removal of a student whose conduct disrupts the academic atmosphere of the school, endangers fellow students, teachers or school officials, or damages property"; (2) require notice of suspension proceedings to be sent to the students' parents within 24 hours of the decision to conduct them; and (3) require a hearing to be held, with the student present, within 72 hours of his removal. Finally, the court stated that, with respect to the nature of the hearing, the relevant cases required that statements in support of the charge be produced, that the student and others be permitted to make statements in defense or mitigation, and that the school need not permit attendance by counsel.

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[5] Lopez was actually absent from school, following his suspension, for over 20 days. This seems to have occurred because of a misunderstanding as to the length of the suspension. A letter sent to Lopez after he had been out for over 10 days purports to assume that, being over compulsory school age, he was voluntarily staying away. Upon asserting that this was not the case, Lopez was transferred to another school.

[6] In its judgment, the court stated that the statute is unconstitutional in that it provides "for suspension without *first* affording the student due process of law." (Emphasis supplied.) However, the language of the judgment must be read in light of the language in the opinion which expressly contemplates that under some circumstances students may properly be removed from school before a hearing is held, so long as the hearing follows promptly.

The defendant school administrators have appealed the three-judge court's decision. Because the order below granted plaintiffs' request for an injunction—ordering defendants to expunge their records—this Court has jurisdiction of the appeal pursuant to 28 U.S.C. § 1253. We affirm.

II

[1] At the outset, appellants contend that because there is no constitutional right to an education at public expense, the Due Process Clause does not protect against expulsions from the public school system. This position misconceives the nature of the issue and is refuted by prior decisions. The Fourteenth Amendment forbids the State to deprive any person of life, liberty or property without due process of law. Protected interests in property are normally "not created by the Constitution. Rather, they are created and their dimensions are defined" by an independent source such as state statutes or rules entitling the citizen to certain benefits. Board of Regents v. Roth, 408 U.S. 564, 577, 92 S.Ct. 2701, 2709, 33 L.Ed.2d 548 (1972).

[2] Accordingly, a state employee who under state law, or rules promulgated by state officials, has a legitimate claim of entitlement to continued employment absent sufficient cause for discharge may demand the procedural protections of due process. Connell v. Higginbotham, 403 U.S. 207, 91 S.Ct. 1772, 29 L.Ed.2d 418 (1971); Wieman v. Updegraff, 344 U.S. 183, 191–192, 73 S.Ct. 215, 218–219, 97 L.Ed. 216 (1952); Arnett v. Kennedy, 416 U.S. 134, 94 S.Ct. 1633, 40 L.Ed.2d 15 (1974), 164, 94 S.Ct. 1649 (Powell, J., concurring); 171, 94 S.Ct. 1652 (White, J., concurring and dissenting). So may welfare recipients who have statutory rights to welfare as long as they maintain the specified qualifications. Goldberg v. Kelly, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970). Morrissey v. Brewer, 408 U.S. 471, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1972), applied the limitations of the Due Process Clause to governmental decisions to revoke parole, although a parolee has no constitutional right to that status. In like vein was Wolff v. McDonald, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974), where the procedural protections of the Due Process Clause were triggered by official cancellation of a prisoner's good-time credits accumulated under state law, although those benefits were not mandated by the Constitution.

[3] Here, on the basis of state law, appellees plainly had legitimate claims of entitlement to a public education. Ohio Rev.Code §§ 3313.48 and 3313.64 direct local authorities to provide a free education to all residents between six and 21 years of age, and a compulsory attendance law requires attendance for a school year of not less than 32 weeks. Ohio Rev.Code § 3321.04. It is true that § 3313.66 of the code permits school principals to suspend students for up to

two weeks; but suspensions may not be imposed without any grounds whatsoever. All of the schools had their own rules specifying the grounds for expulsion or suspension. Having chosen to extend the right to an education to people of appellees' class generally, Ohio may not withdraw that right on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct has occurred. Arnett v. Kennedy, *supra*, at 164, 94 S.Ct. at 1649 (Powell, J., concurring); 171, 94 S.Ct. 1652 (White, J., concurring and dissenting); 206, 94 S.Ct. 1670 (Marshall, J., dissenting).

[4, 5] Although Ohio may not be constitutionally obligated to establish and maintain a public school system, it has nevertheless done so and has required its children to attend. Those young people do not "shed their constitutional rights" at the schoolhouse door. Tinker v. Des Moines Community School District, 393 U.S. 503, 506, 89 S.Ct. 733, 736, 21 L.Ed.2d 731 (1969). "The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures . . . Boards of Education not excepted." West Virginia v. Barnette, 319 U.S. 624, 637, 63 S.Ct. 1178, 1185, 87 L.Ed. 1628 (1943). The authority possessed by the State to prescribe and enforce standards of conduct in its schools, although concededly very broad, must be exercised consistently with constitutional safeguards. Among other things, the State is constrained to recognise a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that clause.

[6, 7] The Due Process Clause also forbids arbitrary deprivations of liberty. "Where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him," the minimal requirements of the clause must be satisfied. Wisconsin v. Constantineau, 400 U.S. 433, 437, 91 S.Ct. 507, 510, 27 L.Ed.2d 515 (1971); Board of Regents v. Roth, *supra*, 408 U.S. at 573, 92 S.Ct. at 2707. School authorities here suspended appellees from school for periods of up to 10 days based on charges of misconuct. If sustained and recorded, those charges could seriously damage the students' standing with their fellow pupils and their teachers as well as interfere with later opportunities for higher education and employment.[7] It is apparent that the claimed right of the State to determine unilaterally and without process whether that misconduct has occurred immediately collides with the requirements of the Constitution.

[8, 9] Appellants proceed to argue that even if there is a right to a public education protected by the Due Process Clause generally, the clause comes into play only when the State subjects a student to a "severe detriment or grievous loss." The loss of 10 days, it is said, is neither severe nor grievous and the Due

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[7] Amici Curiae, Children's Defense Fund of the Washington Research Project, Inc., and the American Friends Service Committee assert in their brief that four of 12 randomly selected Ohio colleges specifically inquire of the high school of every applicant for admission whether the applicant has ever been suspended. Amici also contend that many employers request similar information.

Congress has recently enacted legislation limiting access to information contained in the files of a school receiving federal funds. Education Amendments of 1974, P.L. 93-380, § 513. That section would preclude release of "verified reports of serious or recurrent behavior patterns" to employers without written consent of the student's parents. While § 513(b)(1)(B) permits release of such information to "other schools . . . in which the student intends to enroll," it does so only upon condition that the parent be advised of the release of the information and be given an opportunity at a hearing to challenge the content of the information to insure against inclusion of inaccurate or misleading information. The statute does not expressly state whether the parent can contest the underlying basis for a suspension, the fact of which is contained in the student's school record.

Process Clause is therefore of no relevance. Appellee's argument is again refuted by our prior decisions; for in determining "whether due process requirements apply in the first place, we must look not to the 'weight' but to the *nature* of the interest at stake." Board of Regents v. Roth, *supra*, at 570–571, 92 S. Ct. at 2705–2706. Appellees were excluded from school only temporarily, it is true, but the length and consequent severity of a deprivation, while another factor to weigh in determining the appropriate form of hearing, "is not decisive of the basic right" to a hearing of some kind. Fuentes v. Shevin, 407 U.S. 67, 86, 92 S.Ct. 1983, 1997, 32 L.Ed.2d 556 (1972). The Court's view has been that as long as a property deprivation is not *de minimis*, its gravity is irrelevant to the question whether account must be taken of the Due Process Clause. Sniadach v. Family Finance Corp., 395 U.S. 337, 342, 89 S.Ct. 1820, 1823, 23 L.Ed.2d 349 (Harlan, J., concurring); Boddie v. Connecticut, 401 U.S. 371, 378–379, 91 S.Ct. 780, 786, 28 L.Ed.2d 113; Board of Regents v. Roth, *supra*, 408 U.S. p. 570 n. 8, 92 S.Ct. p. 2705. A 10-day suspension from school is not *de minimis* in our view and may not be imposed in complete disregard of the Due Process Clause.

A short suspension is of course a far milder deprivation than expulsion. But, "education is perhaps the most important function of state and local governments." Brown v. Board of Education, 347 U.S. 483, 493, 74 S.Ct. 686, 691, 98 L.Ed. 873 (1954), and the total exclusion from the educational process for more than a trivial period, and certainly if the suspension is for 10 days, is a serious event in the life of the suspended child. Neither the property interest in educational benefits temporarily denied nor the liberty interest in reputation, which is also implicated, is so insubstantial that suspensions may constitutionally be imposed by any procedure the school chooses, no matter how arbitrary.[8]

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[8] Since the landmark decision of the Court of Appeals for the Fifth Circuit in Dixon v. Alabama State Board of Education, 294 F.2d 150 (CA5), cert. denied, 368 U.S. 930, 82 S.Ct. 368, 7 L.Ed.2d 193 (1961), the lower federal courts have uniformly held the Due Process Clause applicable to decisions made by tax supported educational institutions to remove a student from the institution long enough for the removal to be classified as an expulsion. Hagopian v. Knowlton, 470 F.2d 201, 211 (CA2 1970); Wasson v. Trowbridge, 382 F.2d 807, 812 (CA2 1967); Esteban v. Central Missouri State College, 415 F.2d 1077, 1089 (CA8 1969), cert. denied, 398 U.S. 965, 90 S.Ct. 2169, 26 L.Ed.2d 548 (1970); Vought v. Van Buren Public Schools, 306 F.Supp. 1388 (ED Mich. 1969); Whitfield v. Simpson, 312 F.Supp. 889 (ED Ill.1970); Fielder v. Board of Education of School District of Winnebago, Neb., 346 F.Supp. 722, 729 (D.C.Neb.1972); De Jesus v. Penberthy, 344 F.Supp. 70, 74 (D.C.Conn. 1972); Soglin v. Kauffman, 295 F.Supp. 978, 994 (WD Wis.1968), aff'd, 418 F.2d 163 (CA7 1969); Stricklin v. Regents of University of Wisconsin, 297 F.Supp. 416, 420 (WD Wis.1969), appeal dismissed, 420 F.2d 1257 (CA7 1970); Buck v. Carter, 308 F.Supp. 1246 (WD Wis.1970); General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education, 45 F.R.D. 133, 147-148 (W.D. Mo. 1968), en banc. The lower courts have been less uniform, however, on the question whether removal from school for some shorter period may ever be so trivial a deprivation as to require no process, and, if so, how short the removal must be to qualify. Circuit courts have held or assumed the Due Process Clause applicable to long suspensions, Pervis v. LaMarque Ind. School District, 466 F.2d 1054 (CA5 1972), to indefinite suspensions, Sullivan v. Houston Independent School District, 475 F.2d 1071 (CA5), cert. denied, 414 U.S. 1032, 94 S.Ct. 461, 38 L.Ed.2d 323 (1973), the addition of a 30-day suspension to a 10-day suspension, Williams v. Dade County School Board, 441 F.2d 299 (CA5 1971), to a 10-day suspension, Black Students of North Fort Myers Jr.-Sr. High School v. Williams, 470 F.2d 957 (CA5 1972), to "mild" suspensions, Farrell v. Joel, 437 F.2d 160 (CA2 1971), and Tate v. Board of Education, 453 F.2d 975 (CA8 1972), and to a three-day suspension, Shanley v. Northeast Ind. School District, Bexar County, Texas, 462 F.2d 960, 967 n. 4 (CA5 1972); and inapplicable to a seven-day suspension, Linwood v. Peoria, 463 F.2d 763 (CA7), cert. denied, 409 U.S. 1027, 93 S.Ct. 475, 34 L.Ed.2d 320 (1972), a three-day suspension, Dunn v. Tyler, 460 F.2d 137 (CA5

III

[10] "Once it is determined that due process applies, the question remains what process is due." Morrissey v. Brewer, *supra*, 408 U.S. at 481, 92 S.Ct. at 2600. We turn to that question, fully realizing as our cases regularly do that the interpretation and application of the Due Process Clause are intensely practical matters and that "the very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation." Cafeteria Workers v. McElroy, 367 U.S. 886, 895, 81 S.Ct. 1743, 1748, 6 L.Ed.2d 1230 (1961). We are also mindful of our own admonition that

> **[11]** "Judicial interposition in the operation of the public school system of the Nation raises problems requiring care and restraint. . . . By and large, public education in our Nation is committed to the control of state and local authorities." Epperson v. Arkansas, 393 U.S. 97, 104, 89 S.Ct. 266, 270, 21 L.Ed.2d 228.

[12, 13] There are certain bench marks to guide us, however. Mullane v. Central Hanover Trust Co., 339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865 (1950), a case often invoked by later opinions, said that "many controversies have raged about the crytic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Id.*, at 313, 70 S.Ct. at 657. "The fundamental requisite of due process of law is the opportunity to be heard," Grannis v. Ordean, 234 U.S. 385, 394, 34 S.Ct. 779, 783, 58 L.Ed. 1363 (1914), a right that "has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to . . . contest." Mullane v. Central Hanover Trust Co., *supra*, 339 U.S. at 314, 70 S.Ct. at 657. Armstrong v. Manzo, 380 U.S. 545, 550, 85 S.Ct. 1187, 1190, 14 L.Ed.2d 62 (1965); Joint Anti-Fascist Committee v. McGrath, 341 U.S. 123, 168–169, 71 S.Ct. 624, 646–647, 95 L.Ed. 817 (1951) (Frankfurter, J., concurring). At the very minimum, therefore, students facing suspension and the consequent interference with a protected property interest must be given *some* kind of notice and afforded *some* kind of hearing. "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right, they must first be notified." Baldwin v. Hale, 68 U.S. 223, 233, 17 L.Ed. 531 (1863).

It also appears from our cases that the timing and content of the notice and the nature of the hearing will depend on

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1972), to a suspension for "[not] more than a few days," Murray v. West Baton Rouge Parish School Board, 472 F.2d 438 (CA5 1973), and to all suspensions no matter how short, Black Coalition v. Portland School District No. 1, 484 F.2d 1040 (CA9 1973). The federal district courts have held the Due Process Clause applicable to an interim suspension pending expulsion proceedings in Stricklin v. Regents of University of Wisconsin, *supra*, and Buck v. Carter, *supra*, to a 10-day suspension, Banks v. Board of Public Instruction of Dade County, 314 F.Supp. 285 (SD Fla.1970), vacated, 401 U.S. 988, 91 S.Ct. 1223, 28 L.Ed.2d 526 (1971) (for entry of a fresh decree so that a timely appeal might be taken to the Court of Appeals), aff'd, 450 F.2d 1103 (CA5 1971), to suspensions of under five days, Vail v. Board of Education, 354 F.Supp. 592 (D.C. N.H.1973), and to all suspensions, Mills v. Board of Education, 348 F.Supp. 866 (D.C. 1972), and Givens v. Poe, 346 F.Supp. 202 (WDNC 1972); and inapplicable to suspensions of 25 days, Hernandez v. School District Number One, Denver, Colorado, 315 F. Supp. 289 (D.C.Colo.1970), to suspensions of 10 days, Baker v. Downey City Board of Education, 307 F.Supp. 517 (CD Cal.1969), and to suspensions of eight days, Hatter v. Los Angeles City High School District, 310 F.Supp. 1309 (D.C.Cal.1970), rev'd on other grounds, 452 F.2d 673 (CA9 1971). In the cases holding no process necessary in connection with short suspensions, it is not always clear whether the court viewed the Due Process Clause as inapplicable, or simply felt that the process received was "due" even in the absence of some kind of hearing procedure.

appropriate accommodation of the competing interests involved. Cafeteria Workers v. McElroy, *supra*, 367 U.S. at 895, 81 S.Ct. at 1748; Morrissey v. Brewer, *supra*, 408 U.S. at 481, 92 S.Ct. at 2600. The student's interest is to avoid unfair or mistaken exclusion from the educational process, with all of its unfortunate consequences. The Due Process Clause will not shield him from suspensions properly imposed, but it disserves both his interest and the interest of the State if his suspension is in fact unwarranted. The concern would be mostly academic if the disciplinary process were a totally accurate, unerring process, never mistaken and never unfair. Unfortunately, that is not the case, and no one suggests that it is. Disciplinarians, although proceeding in utmost good faith, frequently act on the reports and advice of others; and the controlling facts and the nature of the conduct under challenge are often disputed. The risk of error is not at all trivial, and it should be guarded against if that may be done without prohibitive cost or interference with the educational process.

The difficulty is that our schools are vast and complex. Some modicum of discipline and order is essential if the educational function is to be performed. Events calling for discipline are frequent occurrences and sometimes require immediate, effective action. Suspension is considered not only to be a necessary tool to maintain order but a valuable educational device. The prospect of imposing elaborate hearing requirements in every suspension case is viewed with great concern, and many school authorities may well prefer the untrammeled power to act unilaterally, unhampered by rules about notice and hearing. But it would be a strange disciplinary system in an educational institution if no communication was sought by the disciplinarian with the student in an effort to inform him of his defalcation and to let him tell his side of the story in order to make sure that an injustice is not done. "[F]airness can rarely be obtained by secret, one-sided determination of the facts decisive of rights. . . . Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness. No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it." Joint Anti-Fascist Committee v. McGrath, *supra*, 341 U.S. at 170–172, 71 S.Ct. at 649 (Frankfurter, J., concurring).[9]

[14, 15] We do not believe that school authorities must be totally free from notice and hearing requirements if their schools are to operate with accept-

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[9] The facts involved in this case illustrate the point. Betty Crome was suspended for conduct which did not occur on school grounds, and for which mass arrests were made—hardly guarantying careful individualized factfinding by the police or by the school principal. She claims to have been involved in no misconduct. However she was suspended for 10 days without ever being told what she was accused of doing or being given an opportunity to explain her presence among those arrested. Similarly, Dwight Lopez was suspended, along with many others, in connection with a disturbance in the lunchroom. Lopez says he was not one of those in the lunchroom who was involved. However, he was never told the basis for the principal's belief that he was involved, nor was he ever given an opportunity to explain his presence in the lunchroom. The school principals who suspended Crome and Lopez may have been correct on the merits, but it is inconsistent with the Due Process Clause to have made the decision that misconduct had occurred without at some meaningful time giving Crome or Lopez an opportunity to persuade the principals otherwise.

We recognize that both suspensions were imposed during a time of great difficulty for the school administrations involved. At least in Lopez' case there may have been an immediate need to send home everyone in the lunchroom in order to preserve school order and property; and the administrative burden of providing 75 "hearings" of any kind is considerable. However, neither factor justifies a disciplinary suspension without *at any time* gathering facts relating to Lopez specifically, confronting him with them, and giving him an opportunity to explain.

able efficiency. Students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story. The clause requires at least these rudimentary precautions against unfair or mistaken findings of misconduct and arbitrary exclusion from school.[10]

There need be no delay between the time "notice" is given and the time of the hearing. In the great majority of cases the disciplinarian may informally discuss the alleged misconduct with the student minutes after it has occurred. We hold only that, in being given an opportunity to explain his version of the facts at this discussion, the student first be told what he is accused of doing and what the basis of the accusation is. Lower courts which have addressed the question of the *nature* of the procedures required in short suspension cases have reached the same conclusion. Tate v. Board of Education, *supra*, 453 F.2d at 979; Vail v. Board of Education, *supra*, 354 F.Supp. at 603. Since the hearing may occur almost immediately following the misconduct, it follows that as a general rule notice and hearing should precede removal of the student from school. We agree with the District Court, however, that there are recurring situations in which prior notice and hearing cannot be insisted upon. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and rudimentary hearing should follow as soon as practicable, as the District Court indicated.

In holding as we do, we do not believe that we have imposed procedures on school disciplinarians which are inappropriate in a classroom setting. Instead we have imposed requirements which are, if anything, less than a fair-minded school principal would impose upon himself in order to avoid unfair suspensions. Indeed, according to the testimony of the principal of Marion-Franklin High School, that school had an informal procedure, remarkably similar to that which we now require, applicable to suspensions generally but which was not followed in this case. Similarly, according to the most recent memorandum applicable to the entire CPSS, see n. 1, *supra*, school principals in the CPSS are now required by local rule to provide at least as much as the constitutional minimum which we have described.

We stop short of construing the Due Process Clause to require, countrywide, that hearings in connection with short suspensions must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge or to call his own witnesses to verify his version of the incident. Brief disciplinary suspensions are almost countless. To impose in each such case even truncated trial type procedures might well overwhelm administrative facilities in many places and, by diverting resources, cost more than it would save in educational effectiveness. Moreover, further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular disciplinary tool but also destroy its effectiveness as part of the teaching process.

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[10] Appellants point to the fact that some process is provided under Ohio law by way of judicial review. Ohio Rev.Code § 2501.06. Appellants do not cite any case in which this general administrative review statute has been used to appeal from a disciplinary decision by a school official. If it be assumed that it could be so used, it is for two reasons insufficient to save inadequate procedures at the school level. First, although new proof may be offered in a § 2501.06 proceeding, Shaker Coventry Corp. v. Shaker Heights, Ohio Com.Pl., 176 N.E.2d 332, the proceeding is not *de novo*. In re Locke, 33 Ohio App.2d 177, 294 N.E.2d 230. Thus the decision by the school—even if made upon inadequate procedures—is entitled to weight in the court proceeding. Second, without a demonstration to the contrary, we must assume that delay will attend any § 2501.06 proceeding, that the suspension will not be stayed pending hearing, and that the student meanwhile will irreparably lose his educational benefits.

On the other hand, requiring effective notice and informal hearing permitting the student to give his version of the events will provide a meaningful hedge against erroneous action. At least the disciplinarian will be alerted to the existence of disputes about facts and arguments about cause and effect. He may then determine himself to summon the accuser, permit cross-examination and allow the student to present his own witnesses. In more difficult cases, he may permit counsel. In any event, his discretion will be more informed and we think the risk of error substantially reduced.

Requiring that there be at least an informal give-and-take between student and disciplinarian, preferably prior to the suspension, will add little to the factfinding function where the disciplinarian has himself witnessend the conduct forming the basis for the charge. But things are not always as they seem to be, and the student will at least have the opportunity to characterize his conduct and put it in what he deems the proper context.

We should also make it clear that we have addressed ourselves solely to the short suspension, not exceeding 10 days. Longer suspensions or expulsions for the remainder of the school term, or permanently, may require more formal procedures. Nor do we put aside the possibility that in unusual situations, although involving only a short suspension, something more than the rudimentary procedures will be required.

IV

The District Court found each of the suspensions involved here to have occurred without a hearing, either before or after the suspension, and that each suspension was therefore invalid and the statute unconstitutional insofar as it permits such suspensions without notice or hearing. Accordingly, the judgment is

Affirmed.

Mr. Justice POWELL, with whom THE CHIEF JUSTICE, Mr. Justice BLACKMUN, and Mr. Justice REHNQUIST join, dissenting.

The Court today invalidates an Ohio statute that permits student suspensions from school without a hearing "for not more than ten days."[1] The decision unnecessarily opens avenues for judicial intervention in the operation of our public schools that may affect adversely the quality of education. The Court holds for the first time that the federal courts, rather than educational officials and state legislatures, have the authority to determine the rules applicable to routine classroom discipline of children and teenagers in the public schools. It justifies this unprecedented intrusion into the process of elementary and secondary education by identifying a new constitutional right: the right of a student not to be suspended for as much as a single day without notice and a due process hearing either before or promptly following the suspension.[2]

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[1] The Ohio Statute, § 3313.66 of the Ohio Rev.Code, actually is a limitation on the time-honored practice of school authorities determining themselves the appropriate duration of suspensions. The statute allows the superintendent or principal of a public school to suspend a pupil "for *not more than ten days* . . ." (italics supplied); and requires notification of the parent or guardian in writing within 24 hours of any suspension.

[2] Section 3313.66 also provides authority for the expulsion of pupils, but requires a hearing thereon by the school board upon request of a parent or guardian. The rights of pupils expelled are not involved in this case, which concerns only the limited discre-

The Court's decision rests on the premise that, under Ohio law, education is a property interest protected by the Fourteenth Amendment's Due Process Clause and therefore that any suspension requires notice and a hearing.[3] In my view, a student's interest in education is not infringed by a suspension within the limited period prescribed by Ohio law. Moreover, to the extent that there may be some arguable infringement, it is too speculative, transitory and insubstantial to justify imposition of a *constitutional* rule.

I

Although we held in San Antonio Independent School Dist. v. Rodriguez, 411 U.S. 1, 35, 93 S.Ct. 1278, 1297, 36 L.Ed.2d 16 (1973), that education is not a right protected by the Constitution, Ohio has elected by statute to provide free education for all youths age six to 21, Ohio Rev. Code §§ 3313.48, 3313.64, with children under 18 years of age being compelled to attend school. *Id.*, at § 3321.01 et seq. State law, therefore, extends the right of free public school education to Ohio students in accordance with the education laws of that State. The right or entitlement to education so created is protected in a proper case by the Due Process Clause. See, *e. g.*, Board of Regents v. Roth, 408 U.S. 564, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972); Arnett v. Kennedy, 416 U.S. 134, 164, 94 S.Ct. 1633, 1649, 40 L.Ed.2d 15 (1974) (Powell, J., concurring). In my view, this is not such a case.

In identifying property interests subject to due process protections, the Court's past opinions make clear that these interests "are created and their *dimensions are defined* by existing rules and understandings that stem from an independent source such as state law." Board of Regents v. Roth, *supra*, 408 U.S., at 577, 92 S.Ct. at 2709 (emphasis supplied). The Ohio statute that creates the right to a "free" education also explicitly authorizes a principal to suspend a student for up to 10 days. Ohio Rev.Stat. §§ 3313.48, 3313.64, 3313.66. Thus the very legislation which "defines" the "dimension" of the student's entitlement, while providing a right to education generally, does not establish this right free of discipline imposed in accord with Ohio law. Rather, the right is encompassed in the entire package of statutory provisions governing education in Ohio—of which the power to suspend is one.

The Court thus disregards the basic structure of Ohio law in posturing this case as if Ohio had conferred an unqualified right to education, thereby compelling the school authorities to conform to due process procedures in imposing the most routine discipline.[4]

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tion of school authorities to suspend for not more than 10 days. Expulsion, usually resulting at least in loss of a school year or semester, is an incomparably more serious matter than the brief suspension, traditionally used as the principal sanction for enforcing routine discipline. The Ohio Statute recognizes this distinction.

[3] The Court speaks of "exclusion from the educational process for more than a trivial period . . . ," *ante*, at 737, but its opinion makes clear that even one day's suspension invokes the constitutional procedure mandated today.

[4] The Court apparently reads into Ohio law by implication a qualification that suspensions may be imposed only for "cause," thereby analogizing this case to the Civil Service laws considered in Arnett v. Kennedy, *supra*. To be sure, one may assume that pupils are not suspended at the whim or caprice of the school official, and the statute does provide for notice of the suspension with the "reasons therefor." But the same statute draws a sharp distinction between suspension and the far more drastic sanction of expulsion. A hearing is required only for the latter. To follow the Court's analysis, one must conclude that the legislature nevertheless intended—without saying so—that suspension also is of such consequence that it may be imposed only for causes which can be justified at a hearing. The unsoundness of reading this sort of requirement into the statute is apparent from a comparison with *Arnett*. In that case, Congress *expressly* provided that nonprobationary federal employees should be discharged only for

But however one may define the entitlement to education provided by Ohio law, I would conclude that a deprivation of not more than 10 days' suspension from school, imposed as a routine disciplinary measure, does not assume constitutional dimensions. Contrary to the Court's assertion, our cases support rather than "refute" appellant's argument that "the Due Process Clause . . . comes into play only when the State subjects a student to a 'severe detriment or a grievous loss.'" *Ante*, at 736. Recently, the Court reiterated precisely this standard for analyzing due process claims:

> "Whether any procedural protections are due depends on the extent to which an individual will be 'condemned to suffer *grievous* loss.' Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 168, 71 S.Ct. 624, 646, 95 L.Ed. 817 (1951) (Frankfurter, J., concurring), quoted in Goldberg v. Kelly, 397 U.S. 254, 263, 90 S.Ct. 1011, 1018, 25 L.Ed.2d 287 (1970)." Morrissey v. Brewer, 408 U.S. 471, 481, 92 S.Ct. 2593, 2600, 33 L.Ed.2d 484 (1972) (emphasis supplied).

In *Morrissey* we applied that standard to require due process procedures for parole revocation on the ground that revocation "inflicts a 'grievous loss' on the parolee and often on others." *Id.*, at 482, 92 S.Ct. at 2601. See also Board of Regents v. Roth, *supra*, 408 U.S., at 573, 92 S.Ct. at 2707 ("seriously damage" reputation and standing); Bell v. Burson, 402 U.S. 535, 539, 91 S.Ct. 1586, 1589, 29 L.Ed.2d 90 (1971) ("important interests of the licensees"); Boddie v. Connecticut, 401 U.S. 371, 379, 91 S.Ct. 780, 786, 28 L.Ed.2d 113 (1971) ("significant property interest").[5]

The Ohio suspension statute allows no serious or significant infringement of education. It authorizes only a maximum suspension of eight school days, less than 5% of the normal 180-day school year. Absences of such limited duration will rarely affect a pupil's opportunity to learn or his scholastic performance. Indeed, the record in this case reflects no educational injury to appellees. Each completed the semester in which the suspension occurred and performed at least as well as he or she had in previous years.[6] Despite the Court's unsupported speculation that a suspended student could be "seriously damaged" (*ante*, at 736), there is no factual showing of any such damage to appellees.

The Court also relies on a perceived deprivation of "liberty" resulting from any suspension, arguing—again without factual support in the record pertaining to these appellees—that a suspension harms a student's reputation. In view of the Court's decision in Board of Regents v. Roth, *supra*, I would have thought that this argument was plainly

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"cause." This requirement reflected congressional recognition of the seriousness of discharging such employees. There simply is no analogy between *termination* of nonprobationary employment of a civil service employee and the *suspension* of a public school pupil for not more than 10 days. Even if the Court is correct in implying some concept of justifiable cause in the Ohio procedure, it could hardly be stretched to the constitutional proportions found present in *Arnett*.

[5] Indeed, the Court itself quotes from a portion of Justice Frankfurter's concurrence in Joint Anti-Fascist Refugee Committee v. McGrath, *supra*, which explicitly refers to "a person in jeopardy of *serious loss*." 341 U.S., at 171, 71 S.Ct. at 649; *see ante*, at 739 (emphasis supplied).

Nor is the "de minimis" standard referred to by the Court relevant in this case. That standard was first stated by Justice Harlan in a concurring opinion in Sniadach v. Family Finance Corp., 395 U.S. 337, 342, 89 S.Ct. 1820, 1823, 23 L.Ed.2d 349 (1969), and then quoted in a footnote to the Court's opinion in Fuentes v. Shevin, 407 U.S. 67, 90, n. 21, 92 S.Ct. 1983, 1999, 32 L.Ed.2d 556 (1972). Both *Sniadach* and *Fuentes*, however, involved resolution of property disputes between two private parties claiming an interest in the same property. Neither case pertained to an interest conferred by the State.

[6] Appendix, at 163-171 (testimony of Norval Goss, Director of Pupil Personnel). See opinion of the three-judge court, Jurisdictional Statement, at 42, 44.

untenable. Underscoring the need for "serious damage" to reputation, the *Roth* Court held that a nontenured teacher who is not rehired by a public university could not claim to suffer sufficient reputational injury to require constitutional protections.[7] Surely a brief suspension is of less serious consequence to the reputation of a teenage student.

II

In prior decisions, this Court has explicitly recognized that school authorities must have broad discretionary authority in the daily operation of public schools. This includes wide latitude with respect to maintaining discipline and good order. Addressing this point specifically, the Court stated in Tinker v. Des Moines School Dist., 393 U.S. 503, 507, 89 S.Ct. 733, 737, 21 L.Ed.2d 731 (1969):

> "[T]he Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools."[8]

Such an approach properly recognizes the unique nature of public education and the correspondingly limited role of the judiciary in its supervision. In Epperson v. Arkansas, 393 U.S. 97, 104, 89 S.Ct. 266, 270, 21 L.Ed.2d 228 (1968), the Court stated:

> "By and large, public education in our Nation is committed to the control of state and local authorities. Courts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems and which do not directly and sharply implicate basic constitutional values."

The Court today turns its back on these precedents. It can hardly seriously be claimed that a school principal's decision to suspend a pupil for a single day would "directly and sharply implicate basic constitutional values." *Epperson, supra.*

Moreover, the Court ignores the experience of mankind, as well as the long history of our law, recognizing that there are differences which must be accommodated in determining the rights and duties of children as compared with those of adults. Examples of this distinction abound in our law: in contracts, in torts, in criminal law and procedure, in criminal sanctions and rehabilitation, and in the right to vote and to hold office. Until today, and except in the special context of the First Amendment issue in *Tinker*, the educational rights of children and teenagers in the elementary and secondary schools have not been analogized to the rights of adults or to those accorded college students. Even with respect to the First Amendment, the rights of children have not been regarded as "coextensive with those of adults." Mr. Justice Stewart, concurring in *Tinker, supra*, 393 U.S. at 515, 89 S.Ct. at 741.

A

I turn now to some of the considerations which support the Court's former view regarding the comprehensive authority of the States and school officials "to prescribe and control conduct in the schools." *Tinker, supra*, at 507, 89 S.Ct. at 737. Unlike the divergent and even sharp conflict of interests usually present where due process rights are asserted, the interests here implicated—of the State through its schools and of the pupils—are essentially congruent.

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[7] See also Wisconsin v. Constantineau, 400 U.S. 433, 437, 91 S.Ct. 507, 510, 27 L.Ed.2d 515 (1971), quoting the "grievous loss" standard first articulated in Joint Anti-Fascist Committee v. McGrath, *supra*.

[8] In dissent on the First Amendment issue, Mr. Justice Harlan recognized the Court's basic agreement on the limited role of the judiciary in overseeing school disciplinary decisions:

"I am reluctant to believe that there is any disagreement between the majority and myself on the proposition that school officials should be accorded the widest authority in maintaining discipline and good order in their institutions." *Id.*, at 526, 89 S.Ct. at 747.

The State's interest, broadly put, is in the proper functioning of its public school system for the benefit of *all* pupils and the public generally. Few rulings would interfere more extensively in the daily functioning of schools than subjecting routine discipline to the formalities and judicial oversight of due process. Suspensions are one of the traditional means—ranging from keeping a student after class to permanent expulsion—used to maintain discipline in the schools. It is common knowledge that maintaining order and reasonable decorum in school buildings and classrooms is a major educational problem, and one which has increased significantly in magnitude in recent years.[9] Often the teacher, in protecting the rights of other children to an education (if not his or their safety), is compelled to rely on the power to suspend.

The facts set forth in the margin[10] leave little room for doubt as to the magnitude of the disciplinary problem in the public schools, or as to the extent of reliance upon the right to suspend. They also demonstrate that if hearings were required for a substantial percentage of short-term suspensions, school authorities would have time to do little else.

B

The State's generalized interest in maintaining an orderly school system is not incompatible with the individual interest of the student. Education in any meaningful sense includes the inculcation of an understanding in each pupil of the necessity of rules and obedience thereto. This understanding is no less important than learning to read and write. One who does not comprehend the meaning and necessity of discipline is handicapped not merely in his education but throughout his subsequent life. In an age when the home and church play a diminishing role in shaping the character and value judgments of the young, a heavier responsibility falls upon the schools. When an immature student merits censure for his conduct, he is rendered a disservice if appropriate sanctions are not applied or if procedures for their application are so formalized as to invite a challenge to the teacher's authority[11]—an invitation which rebellious or even merely spirited teenagers are likely to accept.

The lesson of discipline is not merely a matter of the student's self-interest in the shaping of his own character and personality; it provides an early understanding of the relevance to the social compact of respect for the rights of others. The classroom is the laboratory in which this lesson of life is best learned.

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[9] See generally S. Bailey, Disruption in Urban Secondary Schools (1970), which summarizes some of the recent surveys on school disruption. A Syracuse University study, for example, found that 85% of the schools responding reported some type of significant disruption in the years 1967-1970.

[10] An amicus brief filed by the Children's Defense Fund states that *at least 10%* of the junior and senior high school students in the States sampled were suspended one or more times in the 1972-1973 school year. The data on which this conclusion rests were obtained from an extensive survey prepared by the Office for Civil Rights of the Department of Health, Education, and Welfare. The Children's Defense Fund reviewed the suspension data for five States—Arkansas, Maryland, New Jersey, Ohio, and South Carolina.

Likewise, an amicus brief submitted by several school associations in Ohio indicates that the number of suspensions is significant: in 1972-1973, 4,054 students out of a school enrollment of 81,007 were suspended in Cincinnati; 7,352 of 57,000 students were suspended in Akron; and 14,598 of 142,053 students were suspended in Cleveland. See also the Office of Civil Rights Survey, supra, finding that approximately 20,000 students in New York City, 12,000 in Cleveland, 9,000 in Miami, and 9,000 in Memphis were suspended at least once during the 1972-1973 school year. Even these figures are probably somewhat conservative since some schools did not reply to the survey.

[11] See generally J. Dobson, Dare to Discipline (1972).

Mr. Justice Black summed it up:

> "School discipline, like parental discipline, is an integral and important part of training our children to be good citizens—to be better citizens." *Tinker, supra,* at 524, 89 S.Ct. at 746 (dissenting opinion).

In assessing in constitutional terms the need to protect pupils from unfair minor discipline by school authorities, the Court ignores the commonality of interest of the State and pupils in the public school system. Rather, it thinks in traditional judicial terms of an adversary situation. To be sure, there will be the occasional pupil innocent of any rule infringement who is mistakenly suspended or whose infraction is too minor to justify suspension. But, while there is no evidence indicating the frequency of unjust suspensions, common sense suggests that they will not be numerous in relation to the total number, and that mistakes or injustices will usually be righted by informal means.

C

One of the more disturbing aspects of today's decision is its indiscriminate reliance upon the judiciary, and the adversary process, as the means of resolving many of the most routine problems arising in the classroom. In mandating due process procedures the Court misapprehends the reality of the normal teacher-pupil relationship. There is an ongoing relationship, one in which the teacher must occupy many roles—educator, adviser, friend and, at times, parent-substitute.[12] It is rarely adversary in nature except with respect to the chronically disruptive or insubordinate pupil whom the teacher must be free to discipline without frustrating formalities.[13]

The Ohio statute, providing as it does for due notice both to parents and the Board, is compatible with the teacher-pupil relationship and the informal resolution of mistaken disciplinary action. We have relied for generations upon the experience, good faith and dedication of those who staff our public schools,[14] and the nonadversary means of airing grievances that always have been available to pupils and their parents. One would have thought before today's opinion that [illegible] informal method of resolving differences was more compatible with the interests of all concerned than resort to any constitutionalized procedure, however blandly it may be defined by the Court.

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[12] The role of the teacher in our society historically has been an honored and respected one, rooted in the experience of decades that has left for most of us warm memories of our teachers, especially those of the formative years of primary and secondary education.

[13] In this regard, the relationship between a student and teacher is manifestly different from that between a welfare administrator and a recipient (see Goldberg v. Kelly, *supra*), a motor vehicle department and a driver (see Bell v. Burson, *supra*), a debtor and a creditor (see Sniadach v. Family Finance Corp., *supra*; Fuentes v. Shevin, *supra*; Mitchell v. W. T. Grant, 416 U.S. 600, 94 S.Ct. 1895, 40 L.Ed.2d 406 (1974)), a parole officer and a parolee (see Morrissey v. Brewer, *supra*), or even an employer and an employee (see Arnett v. Kennedy, *supra*). In many of these noneducation settings there is—for purposes of this analysis—a "faceless" administrator dealing with an equally "faceless" recipient of some form of government benefit or license; in others, such as the garnishment and repossession cases, there is a conflict of interest relationship. Our public school system, however, is premised on the belief that teachers and pupils should not be "faceless" to each other. Nor does the educational relationship present a typical "conflict of interest." Rather, the relationship traditionally is marked by a coincidence of interests.

Yet the Court, relying on cases such as *Sniadach* and *Fuentes*, apparently views the classroom of teenagers as comparable to the competitive and adversary environment of the adult, commercial world.

[14] A traditional factor in any due process analysis is "the protection implicit in the office of the functionary whose conduct is challenged. . . ." Joint Anti-Fascist Committee v. McGrath, *supra*, 341 U.S. at 163, 71 S.Ct., at 644 (Frankfurter, J., concurring). In the public school setting there is a high degree of such protection since a teacher has responsibility for, and a commitment to, his pupils that is absent in other due process contexts.

D

In my view, the constitutionalizing of routine classroom decisions not only represents a significant and unwise extension of the Due Process Clause; it also was quite unnecessary in view of the safeguards prescribed by the Ohio statute. This is demonstrable from a comparison of what the Court mandates as required by due process with the protective procedures it finds constitutionally insufficient.

The Ohio statute, limiting suspensions to not more than eight school days, requires *written* notice including the "reasons therefor" to the student's parents and to the Board of Education within 24 hours of any suspension. The Court only requires oral *or* written notice to the pupil, with no notice being required to the parents or the Board of Education. The mere fact of the statutory requirement is a deterrent against arbitrary action by the principal. The Board, usually elected by the people and sensitive to constituent relations, may be expected to identify a principal whose record of suspensions merits inquiry. In any event, parents placed on written notice may exercise their rights as constituents by going directly to the Board or a member thereof if dissatisfied with the principal's decision.

Nor does the Court's due process "hearing" appear to provide significantly more protection than that already available. The Court holds only that the principal must listen to the student's "version of the events," either before suspension or thereafter—depending upon the circumstances. *Ante*, at 740–741. Such a truncated "hearing" is likely to be considerably less meaningful than the opportunities for correcting mistakes already available to students and parents. Indeed, in this case all of the students and parents were offered an opportunity to attend a conference with school officials.

In its rush to mandate a constitutional rule, the Court appears to give no weight to the practical manner in which suspension problems normally would be worked out under Ohio law.[15] One must doubt, then, whether the constitutionalization of the student-teacher relationship, with all of its attendant doctrinal and practical difficulties, will assure in any meaningful sense greater protection than that already afforded under Ohio law.

III

No one can foresee the ultimate frontiers of the new "thicket" the Court now enters. Today's ruling appears to sweep within the protected interest in education a multitude of discretionary decisions in the educational process. Teachers and other school authorities are required to make many decisions that may have serious consequences for the pupil. They must decide, for example, how to grade the student's work, whether a student passes or fails a course,[16] whether he is to be promoted, whether he is required to take certain subjects, whether he may be excluded from interscholastic athletics[17] or other extracurricular activities, whether he may be removed from one school and sent to another, whether he may be bused long distances when available schools are nearby, and whether he should be placed in a "general," "vocational," or "college-preparatory" track.

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[15] The Court itself recognizes that the requirements it imposes are, "if anything, less than a fair-minded school principal would impose on himself in order to avoid unfair suspensions." *Ante*, at 740.

[16] See Connelly v. U. of Vermont, 244 F.Supp. 156 (D.C.Vt.1965).

[17] See Kelley v. Metropolitan County Board of Education of Nashville, 293 F.Supp. 485 (MD Tenn. 1968).

In these and many similar situations claims of impairment of one's educational entitlement identical in principle to those before the Court today can be asserted with equal or greater justification. Likewise, in many of these situations, the pupil can advance the same types of speculative and subjective injury given critical weight in this case. The District Court, relying upon generalized opinion evidence, concluded that a suspended student may suffer psychological injury in one or more of the ways set forth in the margin below.[18] The Court appears to adopt this rationale. See *ante*, at 736.

It hardly need be said that if a student, as a result of a day's suspension, suffers "a blow" to his "self esteem," "feels powerless," views "teachers with resentment," or feels "stigmatized by his teachers," identical psychological harms will flow from many other routine and necessary school decisions. The student who is given a failing grade, who is not promoted, who is excluded from certain extracurricular activities, who is assigned to a school reserved for children of less than average ability, or who is placed in the "vocational" rather than the "college preparatory" track, is unlikely to suffer any less psychological injury than if he were suspended for a day for a relatively minor infraction.[19]

If, as seems apparent, the Court will now require due process procedures whenever such routine school decisions are challenged, the impact upon public education will be serious indeed. The discretion and judgment of federal courts across the land often will be substituted for that of the 50-state legislatures, the 14,000 school boards[20] and the 2,000,000[21] teachers who heretofore have been responsible for the administration of the American public school system. If the Court perceives a rational and analytically sound distinction between the discretionary decision by school authorities to suspend a pupil for a brief period, and the types of discretionary school decisions described above, it would be prudent to articulate it in today's opinion. Otherwise, the federal courts should prepare themselves for a vast new role in society.

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[18] The psychological injuries so perceived were as follows:

"1. The suspension is a blow to the student's self-esteem.

"2. The student feels powerless and helpless.

"3. The student views school authorities and teachers with resentment, suspicion and fear.

"4. The student learns withdrawals as a mode of problem solving.

"5. The student has little perception of the reasons for the suspension. He does not know what offending acts he committed.

"6. The student is stigmatized by his teachers and school administrators as a deviant. They expect the student to be a troublemaker in the future." (Decision of three-judge District Court, Jurisdictional Statement, at 43.)

[19] There is, no doubt, a school of modern psychological or psychiatric persuasion that maintains that any discipline of the young is detrimental. Whatever one may think of the wisdom of this unproved theory, it hardly affords dependable support for a *constitutional* decision. Moreover, even the theory's proponents would concede that the magnitude of injury depends primarily upon the individual child or teenager. A classroom reprimand by the teacher may be more traumatic to the shy, timid introvert than expulsion would be the aggressive, rebellious extrovert. In my view we tend to lose our sense of perspective and proportion in a case of this kind. For the average, normal child—the vast majority—suspension for a few days is simply *not* a detriment; it is a commonplace occurrence, with some 10% of all students being suspended; it leaves no scars; affects no reputations; indeed, it often may be viewed by the young as a badge of some distinction and a welcome holiday.

[20] This estimate was supplied by the National School Board Association, Washington, D. C.

[21] See U. S. Office of Education, Elementary and Secondary Public School Statistics, 1972–1973.

IV

Not so long ago, state deprivations of the most significant forms of state largesse were not thought to require due process protection on the ground that the deprivation resulted only in the loss of a state provided "benefit." *E. g.*, Bailey v. Richardson, 86 U.S.App.D.C. 248, 182 F.2d 46, aff'd by an equally divided Court, 341 U.S. 918, 71 S.Ct. 669, 95 L.Ed. 1352 (1951). In recent years the Court, wisely in my view, has rejected the "wooden distinction between 'rights' and 'privileges,'" Board of Regents v. Roth, *supra*, 408 U.S., at 571, 92 S.Ct., at 2706, and looked instead to the significance of the state created or enforced right and to the substantiality of the alleged deprivation. Today's opinion appears to abandon this reasonable approach by holding in effect that government infringement of any interest to which a person is entitled, no matter what the interest or how inconsequential the infringement, requires *constitutional* protection. As it is difficult to think of any less consequential infringement than suspension of a junior high school student for a single day, it is equally difficult to perceive any principled limit to the new reach of procedural due process.[22]

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[22] Some half dozen years ago, the Court extended First Amendment rights under limited circumstances to public school pupils. Mr. Justice Black, dissenting, viewed the decision as ushering in "an entirely new era in which the power to control pupils by the elected 'officials of state-supported public schools . . .' is in ultimate effect transferred to the Supreme Court." *Tinker*, *supra*, 393 U.S. at 515, 89 S.Ct. at 741. There were some who thought Mr. Justice Black was unduly concerned. But the prophecy of Mr. Justice Black is now being fulfilled. In the few years since *Tinker* there have been literally hundreds of cases by school children alleging violation of their constitutional rights. This flood of litigation, between pupils and school authorities, was triggered by a narrowly written First Amendment case which I could well have joined on its facts. One can only speculate as to the extent to which public education will be disrupted by giving every school child the power to contest in court any decision made by his teacher which arguably infringes the state conferred right to education.

John P. WOOD et al., Petitioners,

v.

Peggy STRICKLAND, a minor, by Mr. and Mrs. Virgil Justice, her parents and next friends, et al.

No. 73-1285.

Argued Oct. 16, 1974.

Decided Feb. 25, 1975.

Public high school students, who were expelled from school for violating a school regulation prohibiting the use or possession of intoxicating beverages at school or school activities, brought suit under the Civil Rights Act against school officials, claiming that their federal constitutional rights to due process were infringed under color of state law by their expulsion from school. The United States District Court for the Western District of Arkansas, 348 F. Supp. 244, directed verdicts for defendants, and plaintiffs appealed. The Court of Appeals, Eighth Circuit, 485 F.2d 186, reversed and remanded, and certiorari was granted. The Supreme Court, Mr. Justice White, held that (1) while on the basis of common-law tradition and public policy, school officials are entitled to a qualified good faith immunity from liability for damages under the Civil Rights Act, they are not immune from such liability if they knew or reasonably should have known that the action they took within their sphere of official responsibility would violate the constitutional rights of the student affected, if they took the action with malicious intent to cause a deprivation of such rights or other injury to the student; (2) under a proper construction of the school intoxicant regulation, there was no absence of evidence before the school board to prove the charge against the students; and (3) the Civil Rights Act is not intended to be a vehicle for federal court correction of errors in the exercise of school officials' discretion that do not rise to the level of violations of specific constitutional guarantees.

Judgment of the Court of Appeals vacated and case remanded.

Mr. Justice Powell filed an opinion concurring in part and dissenting in part, in which Mr. Chief Justice Burger, Mr. Justice Blackmun and Mr. Justice Rehnquist joined.

1. Constitutional Law 🔑46(1)

Supreme Court will deal with possibly dispositive statutory issues before reaching a question turning on the construction of the Constitution.

2. Equity 🔑1

Immunity from damages does not ordinarily bar equitable relief as well.

3. Civil Rights 🔑13.7

Liability for damages for every action which is found subsequently to have been violative of a student's constitutional rights and to have caused compensable injury would unfairly impose upon a school decision maker the burden of mistakes made in good faith in the course of exercising his discretion within the scope of his official duties. 42 U.S.C.A. § 1983.

4. Civil Rights 🔑13.8(1)

Public school officials must have a degree of immunity from damage suits under the Civil Rights Act if the work of the schools is to go forward; and, however worded, the immunity must be such that school officials understand that action taken in the good faith fulfillment of their responsibilities and within the bounds of reason under all the circumstances will not be punished and that they need not exercise their discretion with undue timidity. 42 U.S.C.A. § 1983.

5. Civil Rights 🔑13.8(1)

In respect to the immunity of school administrators and school board members from awards of damages under the Civil Rights Act, the appropriate standard necessarily contains both "objective" and "subjective" elements; the official must himself be acting sincerely and with a belief that what he is doing is right, but an act violating a student's constitutional rights can be no more justified by ignorance or disregard of settled, indisputable law on the part of one entrusted with supervision of students' daily lives than by the presence of actual malice. 42 U.S.C.A. § 1983.

6. Civil Rights 🔑13.8(1)

To be entitled to a special exemption from the categorical remedial language of the Civil Rights Act in a case in which his action has violated a student's constitutional rights, a school board member, who has voluntarily undertaken the task of supervising the operation of the school and the activities of the students, must be held to a standard of conduct based not only on permissible intentions, but also on knowledge of the basic, unquestioned constitutional rights of his charges. 42 U.S.C.A. § 1983.

7. Civil Rights 🔑13.8(1)

While on the basis of common-law tradition and public policy, school officials are entitled to a qualified good faith immunity from liability for damages under the Civil Rights Act, they are not immune from such liability if they knew or reasonably should have known that the action they took within their sphere of official responsibility would violate the constitutional rights of the student affected, if they took the action with malicious intent to cause a deprivation of such rights or other injury to the student; but a compensatory award is appropriate only if the officials acted with such an impermissible motivation or with such disregard of student's clearly established constitutional rights that their action could not reasonably be characterized as in good faith. 42 U.S.C.A. § 1983.

8. Schools and School Districts 🔑177

School regulation, properly construed, prohibited use and possession of beverages containing any alcohol, rather than only beverages containing in excess of a certain alcoholic content, and accordingly, in view of students' admission that they intended to "spike" the punch at school function and that they mixed malt liquor into the punch that was served, there was no absence of evidence before the school board to prove the charge against the students. Ark. Stats. §§ 48–107, 48–503.

9. Schools and School Districts 🔑169

It is not the role of the federal courts to set aside decisions of school administrators which the court may view as lacking a basis in wisdom or compassion.

10. Schools and School Districts 🔑169

Public high school students have substantive and procedural rights while at school.

11. Civil Rights 🔑13.1

Civil Rights Act does not extend the right to relitigate in federal court evidentiary questions arising in school disciplinary proceedings or the proper construction of school regulations and is not intended to be a vehicle for federal court correction of errors in the exercise of school officials' discretion that do not rise to the level of violations of specific constitutional guarantees. 42 U.S.C.A. § 1983.

12. Courts 🔑383(8)

Since the district court did not discuss whether there was a procedural due process violation, and since the Court of Appeals did not decide that issue, the Court of Appeals, rather than the Supreme Court, should consider that question in the first instance.

Syllabus *

Respondent Arkansas high school students, who had been expelled from school for violating a school regulation prohibiting the use or possession of intoxicating beverages at school or school activities, brought suit under 42 U.S.C. § 1983 against petitioner school officials, claiming that such expulsions infringed respondents' rights to due process and seeking damages and injunctive and declaratory relief. The District Court directed verdicts for petitioners on the ground that they were immune from damages suits absent proof of malice in the sense of ill will toward respondents. The Court of Appeals, finding that the facts showed a violation of respondents' rights to "substantive due process," since the decisions to expel respondents were made on the basis of no evidence that the regulation had been violated, reversed and remanded for appropriate injunctive relief and a new trial on the question of damages. *Held*:

1. While on the basis of common-law tradition and public policy, school officials are entitled to a qualified good-faith immunity from liability for damages under § 1983, they are not immune from such liability if they knew or reasonably should have known that the action they took within their sphere of official responsibility would violate the constitutional rights of the student affected, or if they took the action with the malicious intention to cause a deprivation of such rights or other injury to the student. But a compensatory award will be appropriate only if the school officials acted with such an impermissible motivation or with such disregard of the student's clearly established constitutional rights that their action cannot reasonably be characterized as being in good faith. Pp. 996–1001.

2. When the regulation in question is construed, as it should have been and as the record shows it was construed by the responsible school officials, to prohibit the use and possession of beverages containing any alcohol, rather than as erroneously construed by the Court of Appeals to refer only to beverages containing in excess of a certain alcoholic content, there was no absence of evidence to prove the charge against respondents, and hence the Court of Appeals' contrary judgment is improvident. Section 1983 does not extend the right to relitigate in federal court evidentiary questions arising in school disciplinary proceedings or the proper construction of school regulations and was not intended to be a vehicle for federal court correction of errors in the exercise of school officials' discretion that do not rise to the level of violations of specific constitutional guarantees. Pp. 1001–1003.

3. Since the District Court did not discuss whether there was a procedural due process violation, and the Court of Appeals did not decide the issue, the Court of Appeals, rather than this Court, should consider that question in the first instance. P. 1003.

485 F.2d 186, vacated and remanded.

G. Ross Smith, Little Rock, Ark., for petitioners.

Ben Core, Fort Smith, Ark., for respondents.

Mr. Justice WHITE delivered the opinion of the Court.

Respondents Peggy Strickland and Virginia Crain brought this lawsuit against petitioners, who were members of the school board at the time in question, two school administrators, and the Special School District of Mena, Arkansas,[1] purporting to assert a cause of action under 42 U.S.C. § 1983, and claiming that their federal constitutional rights to due process were infringed under color of state law by their expulsion from the Mena Public High School on the grounds of their violation of a school regulation prohibiting the use or possession of intoxicating beverages at school or school activities. The complaint as amended prayed for compensatory and punitive damages against all petitioners, injunctive relief allowing respondents to resume attendance, preventing petitioners from imposing any sanctions as a result of the expulsion, and restraining enforcement of the challenged regulation, declaratory relief as to the constitutional invalidity of the regulation, and expunction of any record of their expulsion. After the declaration of a mistrial arising from the jury's failure to reach a verdict, the District Court directed verdicts in favor of petitioners on the ground that petitioners were immune from damage suits absent proof of malice in the sense of ill will towards respondents. 348 F.Supp. 244 (WD Ark. 1972). The Court of Appeals, finding that the facts showed a violation of respondents' rights to "substantive due process," reversed and remanded for appropriate injunctive relief[2] and a new trial on the question of damages. 485 F.2d 186 (1973). A petition for rehearing en banc was denied, with three judges dissenting. See *id.*, at 191. Certiorari was granted to consider whether this application of due process by the Court of Appeals was warranted and whether that Court's expression of a standard governing immunity for school board members from liability for compensatory damages under 42 U.S.C. § 1983 was the correct one. 416 U.S. 935, 94 S.Ct. 1932, 40 L.Ed.2d 285 (1974).

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* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See United States v. Detroit Timber & Lumber Co., 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.

[1] The Court of Appeals affirmed the directed verdicts awarded by the District Court to P.

I

The violation of the school regulation[3] prohibiting the use or possession of intoxicating beverages at school or school activities with which respondents were charged concerned their "spiking" of the punch served at a meeting of an extracurricular school organization attended by parents and students. At the time in question, respondents were 16-years-old and were in the 10th grade. The relevant facts begin with their discovery that the punch had not been prepared for the meeting as previously planned. The girls then agreed to "spike" it. Since the County in which the school is located is "dry," respondents and a third girl drove across the state border into Oklahoma and purchased two 12-ounce bottles of "Right Time," a malt liquor. They then bought six 10-ounce bottles of a soft drink, and, after having mixed the contents of the eight bottles in an empty milk carton, returned to school. Prior to the meeting, the girls experienced second thoughts about the wisdom of their prank, but by then they were caught up in the force of events and the intervention of other girls prevented them from disposing of the illicit punch. The punch was served at the meeting, without apparent effect.

T. Waller, the principal of Mena Public High School at the time in question, S. L. Inlow, then superintendent of schools, and the Mena Special School District. 485 F.2d 186, 191 (1973). Since respondents have not cross-petitioned, the cases of these three parties are not before the Court.

[2] The Court of Appeals noted that reinstatement was no longer possible since the term of expulsion had ended, but that the respondents were entitled to have the records of the expulsions expunged and to be relieved of any other continuing punishment, if any. 485 F.2d at 190.

[3] "3. Suspension

. . . . .

"b. Valid causes for suspension from school on first offense: Pupils found to be guilty of any of the following shall be suspended from school on the first offense for the balance of the semester and such suspension will be noted on the permanent record of the student along with reason for suspension.

. . . . .

"(4) The use of intoxicating beverage or possession of same at school or at a school sponsored activity.

. . . . ."

App. 102.

Ten days later, the teacher in charge of the extracurricular group and meeting, Mrs. Curtis Powell, having heard something about the "spiking," questioned the girls about it. Although first denying any knowledge, the girls admitted their involvement after the teacher said that she would handle the punishment herself. The next day, however, she told the girls that the incident was becoming increasingly the subject of talk in the school and that the principal, P. T. Waller, would probably hear about it. She told them that her job was in jeopardy but that she would not force them to admit to Waller what they had done. If they did not go to him then, however, she would not be able to help them if the incident became "distorted." The three girls then went to Waller and admitted their role in the affair. He suspended them from school for a maximum two-week period, subject to the decision of the school board. Waller also told them that the board would meet that night, that the girls could tell their parents about the meeting, but that the parents should not contact any members of the board.

Neither the girls nor their parents attended the school board meeting that night. Both Mrs. Powell and Waller, after making their reports concerning the incident, recommended leniency. At this point, a telephone call was received by S. L. Inlow, then the superintendent of schools, from Mrs. Powell's husband, also a teacher at the high school, who reported that he had heard that the third girl involved had been in a fight that evening at a basketball game. Inlow informed the meeting of the news, although he did not mention the name of the girl involved. Mrs. Powell and Waller then withdrew their recommendations of leniency, and the board voted to expel the girls from school for the remainder of the semester, a period of approximately three months.

The board subsequently agreed to hold another meeting on the matter, and one was held approximately two weeks after the first meeting. The girls, their parents, and their counsel attended this session. The board began with a reading of a written statement of facts as it had found them.[4] The girls admitted mixing the malt liquor into the punch with the intent of "spiking" it, but asked the board to forego its rule punishing such violations by such substantial suspensions. Neither Mrs. Powell nor Waller was present at this meeting. The board voted not to change its policy and, as before, to expel the girls for the remainder of the semester.[5]

II

The District Court instructed the jury that a decision for respondents had to be premised upon a finding that petitioners acted with malice in expelling them and defined "malice" as meaning "ill will against a person—a wrongful act done intentionally without just cause or excuse." 348 F.Supp., at 248. In ruling for petitioners after the jury had been unable to agree, the District Court found "as a matter of law" that there was no evidence from which malice could be inferred. *Id.*, at 253.

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[4] "FACTS FOUND BY SCHOOL BOARD

"1. That Virginia Crain, Peggy Strickland and Jo Wall are students of Mena High School and subject to the governing rules and policies of Mena High School.

"2. That on or about February 7, 1972 these three girls were charged with the responsibility of providing refreshments for a school function, being a gathering of students of the Home Economic class and some of their parents, on school premises, being the auditorium building of Mena High School, and being under the direction of Mrs. Curtis Powell.

"3. That the three girls in question traveled to Oklahoma, purchased a number of bottles of malt liquor, a beer type beverage, and later went onto school premises with the alcoholic beverage and put two or more of the bottles of the drink into the punch or liquid refreshment which was to be served to members of the class and parents." App. 137.

The Court of Appeals in its statement of the facts observed that the malt liquor and soft drinks were mixed by the girls prior to their return to school, 485 F.2d, at 187, and petitioners in their brief recite the facts in this manner. Brief for Petitioners, at 5. This discrepancy in the board's findings of fact is not material to any issue now before the Court.

[5] By taking a correspondence course and an extra course later, the girls were able to graduate [illegible] their class. Tr. of Oral Arg., at 38–39.

The Court of Appeals, however, viewed both the instruction and the decision of the District Court as being erroneous. Specific intent to harm wrongfully, it held, was not a requirement for the recovery of damages. Instead, "[i]t need only be established that the defendants did not, in the light of all the circumstances, act in good faith. The test is an objective, rather than a subjective one." 485 F.2d, at 191 (footnote omitted).

[1, 2] Petitioners as members of the school board assert here, as they did below, an absolute immunity from liability under § 1983 and at the very least seek to reinstate the judgment of the District Court. If they are correct and the District Court's dismissal should be sustained, we need go no further in this case. Moreover, the immunity question involves the construction of a federal statute, and our practice is to deal with possibly dispositive statutory issues before reaching questions turning on the construction of the Constitution. Cf. Hagans v. Lavine, 415 U.S. 528, 549, 94 S.Ct. 1372, 1385, 39 L.Ed.2d 577 (1974).[6] We essentially sustain the position of the Court of Appeals with respect to the immunity issue.

The nature of the immunity from awards of damages under § 1983 available to school administrators and school board members is not a question which the lower federal courts have answered with a single voice. There is general agreement on the existence of a "good faith" immunity, but the courts have either emphasized different factors as elements of good faith or have not given specific content to the good-faith standard.[7]

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[6] In their original complaint, respondents sought only injunctive and declaratory relief. App. 11–12. In their amended complaint, they added a prayer for compensatory and punitive damages. App. 92. Trial was to a jury; and the District Court in ruling on motions after declaring a mistrial appears to have treated the case as having developed into one for damages only since it entered judgment for petitioners and dismissed the complaint on the basis of their good-faith defense. In a joint motion for a new trial, respondents specifically argued that the District Court had erred in treating the case as one for the recovery of damages only and in failing to give them a trial and ruling on their claims for injunctive and declaratory relief. App. 131. The District Court denied the motion. App. 133. Upon appeal, respondents renewed these contentions, and the Court of Appeals, after finding a substantive due process violation, directed the District Court to give respondents an injunction requiring expunction of the expulsion records and restraining any further continuing punishment. 485 F.2d, at 190. In their brief in this Court petitioners urge that we reverse the Court of Appeals and order the complaint dismissed. Brief for Petitioners, at 48. Respondents, however, again stress that the relief they sought included equitable relief. Brief for Respondents, at 47–48, 50.

In light of the record in this case, we are uncertain as to the basis for the District Court's judgment, for immunity from damages does not ordinarily bar equitable relief as well. The opinion of the Court of Appeals does not entirely dispel this uncertainty. With the case in this posture, it is the better course to proceed directly to the question of the immunity of school board members under § 1983.

[7] In McLaughlin v. Tilendis, 398 F.2d 287, 290–291 (CA7 1968), a case relied upon by the Court of Appeals below, the immunity was extended to school-board members and the superintendent of schools only to the extent that they could establish that their decisions were founded on "justifiable grounds." Cf. Scoville v. Bd. of Ed. of Joliet Twp. H. S., 425 F.2d 10, 15 (CA7), cert. denied, 400 U.S. 826, 91 S.Ct. 51, 27 L.Ed.2d 55 (1970). In Smith v. Losee, 485 F.2d 334, 344 (CA10 1973) (en banc), cert. denied, 417 U.S. 908, 94 S.Ct. 2604, 41 L.Ed.2d 212 (1974), the immunity protecting university officials was described as one of good faith and the absence of malice where the facts before the officials "showed a good and valid reason for the decision although another reason or reasons advanced for nonrenewal

This Court has decided three cases dealing with the scope of the immunity protecting various types of governmental officials from liability for damages under § 1983. In Tenney v. Brandhove, 341 U.S. 367, 71 S.Ct. 783, 95 L.Ed. 1019 (1951), the question was found to be one essentially of statutory construction.[8] Noting that the language of § 1983 is silent with respect to immunities, the Court concluded that there was no basis for believing that Congress intended to eliminate the traditional immunity of legislators from civil liability for acts done within their sphere of legislative action. That immunity, "so well grounded in history and reason . . .", *id.*, at 376, 71 S.Ct. at 788, was absolute and consequently did not depend upon the motivations of the legislators. In Pierson v. Ray, 386 U.S. 547, 554, 87 S.Ct. 1213, 1218, 18 L.Ed.2d 288 (1967), finding that "[t]he legislative record gives no clear indication that Congress meant to abolish wholesale all common-law immunities" in enacting § 1983, we concluded that the common-law doctrine of absolute judicial immunity survived. Similarly, § 1983 did not preclude application of the traditional rule that a policeman, making an arrest in good faith and with probable cause, is not liable for damages, although the person arrested proves innocent. Consequently the Court said: "Although the matter is not entirely free from doubt, the same consideration would seem to require excusing him from liability for acting under a statute that he reasonably believed to be valid but that was later held unconstitutional, on its face or as applied." *Id.*, at 555, 87 S.Ct., at 1218 (footnote omitted.) Finally, last Term we held that the chief executive officer of a State, the senior and subordinate officers of the State's National Guard, and the president of a state-controlled university were not absolutely immune from liability under § 1983, but instead were entitled to immunity, under prior precedent and in light of the obvious need to avoid discouraging effective official action by public officers charged with a considerable range of re-

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or discharge may have been constitutionally impermissible." The District Court in Kirstein v. Rector and Visitors of University of Virginia, 309 F.Supp. 184, 189 (ED Va. 1970), extended the immunity to action taken in good faith and in accordance with "long standing legal principle." See also Skehan v. Board of Trustees of Bloomsburg State College, 501 F.2d 31, 43 (CA3 1974); Handverger v. Harvill, 479 F.2d 513, 516 (CA9), cert. denied, 414 U.S. 1072, 94 S.Ct. 586, 38 L.Ed.2d 478 (1973); Wood v. Goodman, 381 F.Supp. 413, 419 (Mass.1974); Thonen v. Jenkins, 374 F.Supp. 134, 140 (EDNC 1974); Taliaferro v. State Council of Higher Education, 372 F.Supp. 1378, 1382–1383 (ED Va.1974); Vandersanden v. Lowell School District No. 71, 369 F.Supp. 67, 72 (D.C.Or.1973); Jones v. Jefferson County Board of Education, 359 F.Supp. 1081, 1083–1084 (ED Tenn.1972); Adamian v. University of Nevada, 359 F.Supp. 825, 834 (D.C.Nev.1973); Boyd v. Smith, 353 F.Supp. 844, 845–846 (ND Ind.1973); Hayes v. Cape Henlopen School District, 341 F.Supp. 823, 829 (D.C.Del.1972); Schreiber v. Joint School District No. 1, Gibraltar, Wis., 335 F.Supp. 745, 748 (ED Wis.1972); Endicott v. Van Petten, 330 F.Supp. 878, 885–886 (D.C.Kan.1971); Hollimon v. Martin, 330 F.Supp. 1, 13 (WD Va.1971); McDonough v. Kelly, 329 F.Supp. 144, 150–151 (D.C.N.H.1971); Cordova v. Chonko, 315 F.Supp. 953, 964 (ND Ohio 1970); Gouge v. Joint School District No. 1, 310 F.Supp. 984, 990, 992–993 (WD Wis.1970).

[8] "Did Congress by the general language of its 1871 statute mean to overturn the tradition of legislative freedom achieved in England by Civil War and carefully preserved in the formation of State and National Governments here? Did it mean to subject legislators to civil liability for acts done within the sphere of legislative activity? Let us assume, merely for the moment, that Congress has constitutional power to limit the freedom of State legislators acting within their traditional sphere. That would be a big assumption. But we would have to make an even rasher assumption to find that Congress thought it had exercised the power. These are difficulties we cannot hurdle. The limits of §§ 1 and 2 of the 1871 statute . . . were not spelled out in debate. We cannot believe that Congress—itself a staunch advocate of legislative freedom—would impinge on a tradition so well grounded in history and reason by covert inclusion in the general language before us." Tenney v. Brandhove, *supra*, 341 U.S., at 376, 71 S.Ct., at 788.

sponsibility and discretion, only if they acted in good faith as defined by the Court:

> "[I]n varying scope, a qualified immunity is available to officers of the executive branch of Government, the variation being dependent upon the scope of discretion and responsibilities of the office and all the circumstances as they reasonably appeared at the time of the action on which liability is sought to be based. It is the existence of reasonable grounds for the belief formed at the time and in light of all the circumstances, coupled with good-faith belief, that affords a basis for qualified immunity of executive officers for acts performed in the course of official conduct." Scheuer v. Rhodes, 416 U.S. 232, 247-248, 94 S.Ct. 1683, 1692, 40 L.Ed.2d 90 (1974).

Common-law tradition, recognized in our prior decisions, and strong public-policy reasons also lead to a construction of § 1983 extending a qualified good-faith immunity to school board members from liability for damages under that section. Although there have been differing emphases and formulations of the common-law immunity of public school officials in cases of student expulsion or suspension, state courts have generally recognized that such officers should be protected from tort liability under state law for all good-faith, non-malicious action taken to fulfill their official duties.[9]

As the facts of this case reveal, school board members function at different times in the nature of legislators and adjudicators in the school disciplinary process. Each of these functions necessarily involves the exercise of discretion, the weighing of many factors, and the formulation of long-term policy.[10] "Like legislators and judges, these officers are entitled to rely on traditional sources for the factual information on which they decide and act." Scheuer v. Rhodes, *supra*, 416 U.S., at 246, 94 S.Ct., at 1691 (footnote omitted). As with executive officers faced with instances of civil disorder, school officials, confronted with student behavior causing or threatening disruption, also have an "obvious need for prompt action, and decisions must be made in reliance on factual information supplied by others." *Ibid.*

[3] Liability for damages for every action which is found subsequently to have been violative of a student's constitutional rights and to have caused compensable injury would unfairly impose upon the school decisionmaker the burden of mistakes made in good faith in the course of exercising his discretion within the scope of his official duties. School board members, among other duties, must judge whether there have been violations of school regulations and, if so, the appropriate sanctions for the violations. Denying any measure of immunity in these circumstances "would contribute not to principled and fearless decision-making but to intimidation." Pierson v. Ray, *supra*, 386 U.S., at 554, 87 S.Ct., at 1218. The imposition of monetary costs for mistakes which were not unreasonable in the light of all the circumstances would undoubtedly deter even the most conscientious school decisionmaker from exercising his judgment

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[9] See Donahoe v. Richards, 38 Me. 379 (1854); Dritt v. Snodgrass, 66 Mo. 286 (1877); McCormick v. Burt, 95 Ill. 263 (1880); Board of Education of Cartersville v. Purse, 101 Ga. 422, 28 S.E. 896 (1897); Board of Ed. of City of Covington v. Booth, 110 Ky. 807, 62 S.W. 872 (1901); Morrison v. City of Lawrence, 181 Mass. 127, 63 N.E. 400 (1902); Sorrels v. Matthews, 129 Ga. 319, 58 S.E. 819 (1907); Douglass v. Campbell, 89 Ark. 254, 116 S.W. 211 (1909); Barnard v. Shelburne, 216 Mass. 19, 102 N.E. 1095 (1913); Sweeney v. Young, 82 N.H. 159, 131 A. 155 (1925) (absolute immunity for acts taken within range of general authority). See also 68 Am.Jur.2d, Schools § 266, at 592-593 (1973); 79 C.J.S. Schools and School Districts § 503(d), at 451 (1952); Prosser, Handbook of the Law of Torts § 132, at 989 (4th ed. 1971); Hamilton & Reutter, Legal Aspects of School Board Operation 190-191 (1958).

[10] See generally Campbell, Cunningham, & McPhee, The Organization and Control of American Schools 177-182 (1965).

independently, forcefully, and in a manner best serving the long-term interest of the school and the students. The most capable candidates for school board positions might be deterred from seeking office if heavy burdens upon their private resources from monetary liability were a likely prospect during their tenure.[11]

These considerations have undoubtedly played a prime role in the development by state courts of a qualified immunity protecting school officials from liability for damages in lawsuits claiming improper suspensions or expulsions.[12] But at the same time, the judgment implicit in this common-law development is that absolute immunity would not be justified since it would not sufficiently increase the ability of school officials to exercise their discretion in a forthright manner to warrant the absence of a remedy for students subjected to intentional or otherwise inexcusable deprivations.

[4] Tenney v. Brandhove, Pierson v. Ray, and Scheuer v. Rhodes drew upon a very similar background and were animated by a very similar judgment in construing § 1983. Absent legislative guidance, we now rely on those same sources in determining whether and to what extent school officials are immune from damage suits under § 1983. We think there must be a degree of immunity if the work of the schools is to go forward; and, however worded, the immunity must be such that public school officials understand that action taken in the good-faith fulfillment of their responsibilities and within the bounds of reason under all the circumstances will not be punished and that they need not exercise their discretion with undue timidity.

> "Public officials, whether Governors, Mayors or police, legislators or judges, who fail to make decisions when they are needed or who do not act to implement decisions when they are made do not fully and faithfully perform the duties of their offices. Implicit in the idea that officials have some immunity—absolute or qualified—for their acts, is a recognition that they may err. The concept of immunity assumes this and goes on to assume that it is better to risk some error and possible injury from such error than not to decide or act at all." Scheuer v. Rhodes, *supra*, 416 U.S. at 241–242, 94 S.Ct., at 1689 (footnote omitted).

[5–7] The disagreement between the Court of Appeals and the District Court over the immunity standard in this case has been put in terms of an "objective" versus a "subjective" test of good faith. As we see it, the appropriate standard necessarily contains elements of both. The official must himself be acting sincerely and with a belief that he is doing right, but an act violating a student's constitutional rights can be no more justified by ignorance or disregard of settled, indisputable law on the part of one entrusted with supervision of students' daily lives than by the presence of actual malice. To be entitled to a special exemption from the categorical remedial language of § 1983 in a case in which his action violated a student's constitutional rights, a school board member, who has voluntarily undertaken the task of supervising the operation of the school and the activities of the students, must be held to a standard of conduct based not only on permissible intentions, but also on knowledge of the basic, unquestioned constitutional rights of his charges. Such a standard neither imposes an unfair burden upon a person assuming a responsible public office requiring a high degree of intelligence and judgment for the proper fulfillment of its duties, nor an unwarranted burden in light of the value which civil rights have in our legal system. Any lesser standard would deny much of the promise of § 1983. Therefore, in the specific context of school discipline, we hold that a school board member is not immune from liability for damages under § 1983 if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the student affected, or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury to the student. That is not to say that school board members are "charged with predicting the future course of constitutional law." Pierson v. Ray, *supra*, 386 U.S., at 557, 87 S.Ct., at 1219. A compensatory award will be appropriate only if the school board member has acted with such an impermissible motivation or with such disregard of the student's clearly established constitutional rights that his action cannot reasonably be characterized as being in good faith.

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[11] The overwhelming majority of school-board members are elected to office. See White, Local School Boards: Organization and Practices 7 (1962); Survey of Public Education in the Member Cities of the Council of Big City Boards of Education 3 (1968); Campbell, Cunningham, & McPhee, *supra*, at 164–170. Most of the school-board members across the country receive little or no monetary compensation for their service. White, *supra*, at 67–79; Survey of Public Education, *supra*, at 3, 15–21; Campbell, Cunningham, & McPhee, *supra*, at 172.

[12] "[School directors] are authorized, and it is their duty to adopt reasonable rules for the government and management of the school, and it would deter responsible and suitable men from accepting the position, if held liable for damages to a pupil expelled under a rule adopted by them, under the impression that the welfare of the school demanded it, if the courts should deem it improper." Dritt v. Snodgrass, *supra*, 66 Mo. 286, 293 (1877).

III

The Court of Appeals based upon its review of the facts but without the benefit of the transcript of the testimony given at the four-day trial to the jury in the District Court,[13] found that the Board had made its decision to expel the girls on the basis of no evidence that the school regulation had been violated:

> "To justify the suspension, it was necessary for the Board to establish that the students possessed or used an 'intoxicating' beverage at a school-sponsored activity. No evidence was presented at either meeting to establish the alcoholic content of the liquid brought to the campus. Moreover, the Board made no finding that the liquid was intoxicating. The only evidence as to the nature of the drink was that supplied by the girls, and it is clear that they did not know whether the beverage was intoxicating or not." 485 F.2d, at 190.

Although it did not cite the case as authority, the Court of Appeals was apparently applying the due process rationale of Thompson v. City of Louisville, 362 U.S. 199, 206, 80 S.Ct. 624, 4 L.Ed.2d 654 (1960),[14] to the public school disciplinary process. The applicability of *Thompson* in this setting, however, is an issue that need not be reached in this case.[15] The record reveals that the decision of the Court of Appeals was based upon an erroneous construction of the school regulation in question. Once that regulation is properly construed, the *Thompson* issue disappears.

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[13] At the time of the Court of Appeals decision, the testimony at the trial to the jury had not been transcribed because of counsel's concern with limiting litigation costs. Tr. of Oral Arg., at 23. The transcript was filed in the District Court after certiorari was granted. App. 120 n. 2.

[14] See also Vachon v. New Hampshire, 414 U.S. 478, 480, 94 S.Ct. 664, 665, 38 L.Ed.2d 666 (1974); Gregory v. Chicago, 394 U.S. 111, 112, 89 S.Ct. 946, 947, 22 L.Ed.2d 134 (1969); Johnson v. Florida, 391 U.S. 596, 598-599, 88 S.Ct. 1713, 1714, 20 L.Ed.2d 838 (1968); Shuttlesworth v. City of Birmingham, 382 U.S. 87, 94-95, 86 S.Ct. 211, 215, 15 L.Ed.2d 176 (1965); Garner v. Louisiana, 368 U.S. 157, 82 S.Ct. 248, 7 L.Ed.2d 207 (1961). Cf. Int'l Brotherhood of Boilermakers v. Hardeman, 401 U.S. 233, 246, 91 S.Ct. 609, 617, 28 L.Ed.2d 10 (1971).

[15] That is not to say that the requirements of procedural due process do not attach to expulsions. Over the past 13 years the courts of appeals have without exception held that procedural due process requirements must be satisfied if a student is to be expelled. See Goss v. Lopez, — U.S. —, — n. 8, 95 S.Ct. 729, 42 L.Ed.2d — (1975).

The Court of Appeals interpreted the school regulation prohibiting the use or possession of intoxicating beverages as being linked to definition of "intoxicating liquor" under Arkansas statutes[16] which restrict the term to beverages with an alcoholic content exceeding 5% by weight.[17] Testimony at the trial, however, established convincingly that the term "intoxicating beverage" in the school regulation was not intended at the time of its adoption in 1967 to be linked to the definition in the state statutes or to any other technical definition of "intoxicating."[18] The adoption of the regulation was at a time when the school board was concerned with a previous beer-drinking episode.[19] It was applied prior to respondents' case to another student charged with possession of beer.[20] In its statement of facts issued prior to the onset of this litigation, the school board expressed its construction of the regulation by finding that the girls had brought an "alcoholic beverage" onto school premises.[21] The girls themselves admitted knowing at the time of the incident that they were doing something wrong which might be punished.[22] In light of this evidence, the Court of Appeals was ill advised to supplant the interpretation of the regulation of those officers who adopted it and are entrusted with its enforcement. Cf. Grayned v. City of Rockford, 408 U.S. 104, 110, 92 S.Ct. 2294, 2299, 33 L.Ed.2d 222 (1972).

[8] When the regulation is construed to prohibit the use and possession of beverages containing alcohol, there was no absence of evidence before the school board to prove the charge against respondents. The girls had admitted that they intended to "spike" the punch and that they had mixed malt liquor into the punch that was served. The third girl estimated at the time of their admissions to Waller that the malt liquor had an alcohol content of 20%. After the expulsion decision had been made

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[16] See Arkansas Stat. §§ 48-503, 48-107 (1947).

[17] The Court of Appeals referred to comments which seemed also to adopt this construction made by the District Court in its findings of fact when it denied respondents' motion for a preliminary injunction. 485 F.2d, at 190; App. 80. After noting the District Court's initial view that petitioners would find it difficult to prove the requisite alcoholic content, the Court of Appeals expressed puzzlement at the failure of the lower court to discuss the absence of such evidence in its final opinion. The District Court, however, indicated in its instructions that the question of the proper construction of the regulation would not be relevant if the jury found that the school officials in good faith considered the malt liquor and punch to fall within the regulation. 348 F.Supp., at 248. The District Court's ultimate conclusion apparently made unnecessary a final decision on the coverage of the regulation.

Despite its construction of the present regulation, the Court of Appeals indicated that the school board had the authority to prohibit the use and possession of alcoholic beverages or to continue its policy of proscribing only *intoxicating* beverages. 485 F.2d, at 191.

[18] Two members of the school board at the time that the regulation was adopted testified that there had been no discussion of tying the regulation to the State Alcohol Control Act and that the intent of the board members was to cover beer. Reporter's Transcript (Rep.Tr.) 466-467 (testimony of petitioner Wood); 589-590 (testimony of Mrs. Gerald Goforth).

[19] See the minutes of the board meeting at which the regulation was adopted in App. 103-104. See also Rep.Tr. 431-432 (testimony of Mrs. Mary L. Spencer, also a board member when the regulation was adopted); 587-588 (Mrs. Goforth).

[20] The student was suspended in October 1971 for the possession of beer at a school activity. There is no indication in the record of the alcoholic content of the beer. See Rep.Tr. 258-259, 268-269 (testimony of former Superintendent Inlow).

[21] See n. 4, *supra*. Soon after this litigation had begun, the board issued a statement which said that the regulation "prohibits the use and possession of alcoholic beverage on school premises. . . ." App. 139.

[22] See Rep.Tr. 75 (Strickland); 119, 121 (Crain).

and this litigation had begun, it was conclusively determined that the malt liquor in fact had an alcohol content not exceeding 3.2% by weight.[23] Testimony at trial put the alcohol content of the punch served at 0.91%.[24]

[9–11] Given the fact that there was evidence supporting the charge against respondents, the contrary judgment of the Court of Appeals is improvident. It is not the role of the federal courts to set aside decisions of school administrators which the court may view as lacking a basis in wisdom or compassion. Public high school students do have substantive and procedural rights while at school. See Tinker v. Des Moines Independent Community School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969); West Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1628 (1943); Goss v. Lopez, *supra*. But § 1983 does not extend the right to relitigate in federal court evidentiary questions arising in school disciplinary proceedings or the proper construction of school regulations. The system of public education that has evolved in this Nation relies necessarily upon the discretion and judgment of school administrators and school board members and § 1983 was not intended to be a vehicle for federal court correction of errors in the exercise of that discretion which do not rise to the level of violations of specific constitutional guarantees. See Epperson v. Arkansas, 393 U.S. 97, 104, 89 S.Ct. 266, 270, 21 L.Ed.2d 228 (1968); *Tinker*, *supra*, 393 U.S. at 507, 89 S.Ct. at 736.

IV

[12] Respondents' complaint alleged that their procedural due process rights were violated by the action taken by petitioners. App. 9. The District Court did not discuss this claim in its final opinion, but the Court of Appeals viewed it as presenting a substantial question. It concluded that the girls were denied procedural due process at the first school board meeting, but also intimated that the second meeting may have cured the initial procedural deficiencies. Having found a substantive due process violation, however, the court did not reach a conclusion on this procedural issue. 485 F.2d, at 190.

Respondents have argued here that there was a procedural due process violation which also supports the result reached by the Court of Appeals. Brief for Respondents, at 27–28, 36. But because the District Court did not discuss it, and the Court of Appeals did not decide it, it would be preferable to have the Court of Appeals consider the issue in the first instance.

The judgment of the Court of Appeals is vacated and the case remanded for further proceedings consistent with this opinion.

So ordered.

Mr. Justice POWELL, with whom THE CHIEF JUSTICE, Mr. Justice BLACKMUN, and Mr. Justice REHNQUIST join, concurring in part and dissenting in part.

I join in Parts I, III, and IV of the Court's opinion, and agree that the judgment of the Court of Appeals should be vacated and the case remanded. I dissent from Part II which appears to impose a higher standard of care upon public school officials, sued under § 1983, than that heretofore required of any other official.

The holding of the Court on the immunity issue is set forth in the margin.[1] It would impose personal liability on a school official who acted sincerely and in the utmost good faith, but who was found—after the fact—to have acted in "ignorance . . . of settled, indisputable law." *Ante*, at 1000. Or, as the Court also puts it, the school official must be held to a standard of conduct based not only on good faith "but also on knowledge of the basic, unquestioned constitutional rights of his charges." *Ibid.*, Moreover, ignorance of the law is explicitly equated with "actual malice." *Id.*, at 1000. This harsh standard, requiring knowledge of what is characterized as "settled, indisputable law," leaves little substance to the doctrine of qualified immunity. The Court's decision appears to rest on an unwarranted assumption as to what lay school officials know or can know about the law and constitutional rights. These officials will now act at the peril of some judge or jury subsequently finding that a good-faith belief as to the applicable law was mistaken and hence actionable.[2]

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[23] This percentage content was established through the deposition of an officer of the company that produces "Right Time" malt liquor. App. 93–94.

[24] Rep.Tr. 205 (testimony of Dr. W. F. Turner).

[1] The disagreement between the Court of Appeals and the District Court over the immunity standard in this case has been put in terms of an "objective" versus a "subjective" test of good faith. As we see it, the appropriate standard necessarily contains elements of both. The official must himself

The Court states the standard of required knowledge in two cryptic phrases: "settled, indisputable law" and "unquestioned constitutional rights." Presumably these are intended to mean the same thing, although the meaning of neither phrase is likely to be self-evident to constitutional law scholars—much less the average school board member. One need only look to the decisions of this Court—to our reversals, our recognition of evolving concepts, and our five-to-four splits—to recognize the hazard of even informed prophecy as to what are "unquestioned constitutional rights." Consider, for example, the recent five-to-four decision in Goss v. Lopez, — U.S. —, 95 S.Ct. 729, 42 L.Ed.2d —, holding that a junior high school pupil routinely suspended for as much as a single day is entitled to due process. I suggest that most lawyers and judges would have thought, prior to that decision, that the law to the *contrary* was settled, indisputable, and unquestioned.[3]

be acting sincerely and with a belief that he is doing right, but an act violating a student's constitutional rights can be no more justified by ignorance or disregard of settled, indisputable law on the part of one entrusted with supervision of students' daily lives than by the presence of actual malice. To be entitled to a special exemption from the categorical remedial language of § 1983 in a case in which his action violated a student's constitutional rights, a school board member, who has voluntarily undertaken the task of supervising the operation of the school and the activities of the students, must be held to a standard of conduct based not only on permissible intentions, but also on knowledge of the basic, unquestioned constitutional rights of his charges. Such a standard neither imposes an unfair burden upon a person assuming a responsible public office requiring a high degree of intelligence and judgment for the proper fulfillment of its duties, nor an unwarranted burden in light of the value which civil rights have in our legal system. Any lesser standard would deny much of the promise of § 1983. Therefore, in the specific context of school discipline, we hold that a school board member is not immune from liability for damages under § 1983 if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the student affected, or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury to the student. That is not to say that school board members are "charged with predicting the future course of constitutional law." Pierson v. Ray, *supra*, 386 U.S., at 557, 87 S.Ct. at 1219. A compensatory award will be appropriate only if the school board member has acted with such an impermissible motivation or with such disregard of the student's clearly established constitutional rights that his action cannot reasonably be characterized as being in good faith. *Ante*, at 1000–1001.

2. The opinion indicates that actual malice is presumed where one acts in ignorance of the law; thus it would appear that even good-faith reliance on the advice of counsel is of no avail.

3. The Court's rationale in *Goss* suggests, for example, that school officials may infringe a student's right to education if they place him in a noncollege preparatory tract or deny him promotion with his class without affording a due process hearing. See — U.S. —, at —, 95 S.Ct. 729, 42 L.Ed.2d — (Powell, J., dissenting). Does this mean that school officials who fail to provide such hearings in the future will be liable under §

Less than a year ago, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974), and in an opinion joined by all participating members of the Court, a considerably less demanding standard of liability was approved with respect to two of the highest officers of the State, the Governor and Adjutant General. In that case, the estates of students killed at Kent State University sued these officials under § 1983. After weighing the competing claims, the Court concluded:

> "These considerations suggest that, in varying scope, a qualified immunity is available to officers of the executive branch of Government, the variation being dependent upon the scope of discretion and responsibilities of the office and all the circumstances as they reasonably appeared at the time of the action on which liability is sought to be based. *It is the existence of reasonable grounds for the belief formed at the time and in light of all the circumstances, coupled with good-faith belief, that affords a basis for qualified immunity of executive officers for acts performed in the course of official conduct.*" *Id.*, 416 U.S., at 247–248, 94 S.Ct., at 1692. *(Italics supplied.)*

The italicized sentence from *Scheuer* states, as I view it, the correct standard for qualified immunity of a government official: whether in light of the discretion and responsibilities of his office, and under all of the circumstances as they appeared at the time, the officer acted reasonably and in good faith. This was the standard applied to the Governor of a State charged with maliciously calling out national guardsmen who killed and wounded Kent State students.[4] Today's opinion offers no reason for imposing a more severe standard on school board members charged only with wrongfully expelling three teenage pupils.

There are some 20,000 school boards, each with five or more members, and thousands of school superintendents and school principals. Most of the school board members are popularly elected, drawn from the citizenry at large, and possess no unique competency in divining the law. Few cities and counties provide any compensation for service on school boards, and often it is difficult to persuade qualified persons to assume the burdens of this important function in our society. Moreover, even if counsel's advice constitutes a defense, it may safely be assumed that few school boards and school officials have ready access to counsel or indeed have deemed it necessary to consult counsel on the countless decisions that necessarily must be made in the operation of our public schools.

In view of today's decision significantly enhancing the possibility of personal liability, one must wonder whether qualified persons will continue in the desired numbers to volunteer for service in public education.

1983 if a court subsequently determines that they were required?

For another current example of how unsettled constitutional law, deemed by some at least to be quite settled, may turn out to be, see the decision and opinions in North Georgia Finishing, Inc. v. Di-Chem, Inc., — U.S. —, 95 S.Ct. 719, 42 L.Ed.2d — and compare with Mr. Justice Stewart's dissent in Mitchell v. W. T. Grant, 416 U.S. 600, 629, 94 S.Ct. 1895, 1910, 40 L.Ed.2d 406 (1974).

[4] The decision of the Court in *Scheuer* with respect to qualified immunity is consistent with Chief Justice Warren's opinion for the Court in Pierson v. Ray, 386 U.S. 547, 87 S.Ct. 1213, 18 L.Ed.2d 288 (1967), where it was said:

> "If the jury believed the testimony of the officers and disbelieved that of the ministers, and if the jury found that the officers reasonably believed in good faith that the arrest was constitutional, then a verdict for the officers would follow even though the arrest was in fact unconstitutional." *Id.*, at 557, 87 S.Ct., at 1219.

As in *Scheuer*, the standard prescribed is one of acting in good faith in accordance with reasonable belief that the action was lawful and justified. Not even police officers were held liable for ignorance of "settled, indisputable law."

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The Courts and Student Conduct

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Besides processing documents and journal articles, the Clearinghouse prepares bibliographies, literature reviews, monographs, and other interpretive research studies on topics in its educational area.

FOREWORD

This monograph by E. Edmund Reutter, Jr., is an expansion and revision of Dr. Reutter's earlier monograph published by NOLPE in 1970 in a series on student control and student rights in the public schools.

The paper was prepared through a cooperative arrangement between NOLPE and the ERIC Clearinghouse on Educational Management. Under this arrangement, the Clearinghouse provided the guidelines for the organization of the paper, commissioned the author, and edited the paper for style. NOLPE selected the topic for the paper and published it as part of a monograph series.

Dr. Reutter's substantial revision of his earlier work bears witness to the many changes continuing to characterize the legal aspects of student conduct. During the past four years the courts have received a steady volume of cases raising old and new issues pertaining to control of student activities by public school authorities. After setting the legal framework for control of student conduct, Dr. Reutter discusses judicial decisions relevant to insignia and emblems, publications, dress and appearance, secret societies, marriage and/or parenthood, and other areas of conduct.

Dr. Reutter is a professor of education in the Division of Educational Institutions and Programs at Teachers College, Columbia University. He holds a bachelor's degree from Johns Hopkins University and received his master's and doctor's degrees from Teachers College, Columbia University.

A nationally recognized scholar in the field of school law, Dr. Reutter is past-president of NOLPE, regional editor of the *NOLPE School Law Reporter*, and the author of numerous books and articles on school law. He is coauthor with R. R. Hamilton of *The Law of Public Education* (1970), including *The 1973 Supplement*. Other recent books include *Schools and the Law* and the 1970 edition of *The Yearbook of School Law*, with Lee O. Garber.

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THE COURTS AND STUDENT CONDUCT

By E. Edmund Reutter, Jr.

INTRODUCTION

The purpose of this monograph is to analyze and synthesize judicial decisions relevant to control of student conduct by public school authorities.[1] Value judgments, both educational and legal, will be avoided, except in the final section. The presentation is an analysis, not an advocacy.

The number of appellate court decisions involving student conduct has grown rapidly in recent years. Increased reliance on the judiciary to resolve conflicts between students (or parents) and school authorities has been a salient characteristic of the past decade. Old issues and questions have been raised again in modern trappings, and many new queries have been put to the courts regarding the perennial conflict between rights and duties of students and rights and duties of school authorities.

Because each case arises in a context of facts, careful examination of the facts that form the setting of a specific judicial holding is essential. If the facts in a subsequent case are substantially different, the holding does not serve as precedent. Frequently many issues are interwoven in a given case, making imperative a clear understanding of the basic legal question(s) answered by the court. For example, two cases substantively concerned with the regulation of secret societies may differ legally from each other far more than do a particular secret society case and a particular student marriage case. If a case is decided on a procedural point, guidance on substantive points may be completely lacking for educators. Further, it must be emphasized that the long-range consequences of a decision derive from its central rationale, not from the drama of whether plaintiff or defendant prevailed or from the presence of quotable and appealing phraseology.

Before examining specifics it seems appropriate to explicate briefly some general legal principles and understandings as a setting for the major portion of the treatise.

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[1] The analysis covers published decisions through the January 1975 *General Digest*. Portions of the material were published in the author's earlier ERIC/NOLPE Monograph, *Legal Aspects of Control of Student Activities by Public School Authorities*, 1970.

LEGAL FRAMEWORK FOR STUDENT DISCIPLINE

Bases of Control

School boards in all states have express or implied powers to adopt rules and regulations relating to student conduct. Typically, statutes grant to boards of education broad powers and also some specific powers related to student control. Among the more concrete statutes, some restate the common-law authority of school personnel, some expand or contract the common law, some set up procedures to be used in meting out punishments, and some prohibit specific punishments.

It is well settled that the state has the power to require its young to submit to instruction in those subjects "plainly essential to good citizenship."[2] Of necessity, therefore, those in charge of the schools (state boards of education, chief state school officers, local boards of education, and professional staffs of local school systems) must be empowered to establish reasonable rules and regulations for school operation. Although local rules and regulations may not supersede statutes or regulations of state-level educational authorities, they may implement and supplement them. Of course, neither state nor federal constitutional rights of students may be abridged by any rule.

Because it is impossible to promulgate rules and regulations to cover all situations, rules need not be in writing to be enforceable. Furthermore, out of concern for practicality and reality, the courts recognize that school administrators and teachers must possess implied powers to control pupil conduct on matters and with methods not in conflict with local board policy or higher legal authority. It should be observed that because the enforcement of a regulation involves sanctioning the violator, often in cases of pupil discipline the rule and the punishment are inextricably interwoven in a judicial proceeding. Also, particularly in some recent cases, the issue of procedural due process has overshadowed both the rule and the penalty. Thus, if procedural due process is not granted by school authorities, a court will decide in favor of the student without reaching the question of the validity of the rule.

Scope of Control

The control school authorities may exercise over the activities of students is circumscribed by the nature of the relationship between public schools and pupils. Rules and regulations must have as their objective the proper functioning of the school. They must reasonably relate to the purposes for which schools are established. Thus, conduct that can reasonably be deemed contrary to the educational mission of the school can be proscribed.

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[2] Pierce v. Society of Sisters, 268 U.S. 510, 45 S. Ct. 571 (1925).

The courts recognize the need for a proper atmosphere so that learning can take place. Therefore, activities disruptive of the general decorum of the school are punishable. Disruption of the climate of learning affects the rights of other children to receive an education. Interference with the rights of others may be specific, such as physically barring access to facilities, or it may be general, such as acting to undermine the authority of school personnel over students.

Even conduct off school premises can be controlled by school authorities if it can be shown to be deleterious to the efficient operation of the school. The crucial issue is the effect of the conduct on the operation of the school, rather than the time or place of the offense. However, of course, it is much more difficult for school authorities to justify the reasonableness of control exercised over out-of-school activities of pupils.

The In Loco Parentis *Doctrine*

The common-law measure of the rights and duties of school authorities relative to pupils attending school is the *in loco parentis* concept. This doctrine holds that school authorities stand in the place of the parent while the child is at school. As applied to discipline the inference is that school personnel may establish rules for the educational welfare of the child and the operation of the school and may inflict punishments for disobedience. Obviously, however, a school employee legally cannot go as far as a parent can in enforcement of matters of taste, extent of punishment, or disregard of procedural due process. School rules that are contrary to expressed wishes of a parent generally will be subject to more careful judicial scrutiny than other rules.

The Presumption of Validity

The law presumes that those having authority will exercise it properly. Generally, therefore, in claims of improper application of authority, the burden of proof is on the person making the claim. Thus, a parent who objects to a rule or to a punishment generally has the burden of establishing unreasonableness. However, the board must have some basis for its actions other than the assertion that it is acting in the best interests of the pupil or school.

Of great importance is the fact that the more closely a rule comes to infringing a basic constitutional right of a student, the more justification school authorities must have for the rule. As more and more rules are being challenged on constitutional grounds, courts are looking much more closely at the rationales offered by school authorities to support challenged rules. If the regulation involves a restriction on freedom of speech, for example, the school authorities may have to show "substantial justification" or a "compelling interest."

The Test of Reasonableness

The ultimate determination of reasonableness is a function of the courts. Reasonable means that the action could be accepted by persons of normal intelligence and experience as rationally appropriate to the (legitimate) end in view. To declare invalid a rule controlling student activities in public schools, it must be shown to be unreasonable. Obviously, it is not reasonable to fail to comply with a provision of a constitution or statute properly enacted thereunder. However, relatively few invalid rules are disposed of under the rubric of contrariness to statute because most conduct rules involve implied powers of school authorities, rather than express powers. If a rule is found to be unconstitutional, an examination of reasonableness is precluded.

For the test of reasonableness, a rule of student conduct must be assessed in terms of the educational goal to be achieved and the likelihood the rule will help achieve that goal. That reasonableness does not exist in the abstract will be amply illustrated in the following pages. A rule may be declared unreasonable per se, or only in its particular application. This distinction is important legally.

The Role of the Courts

The Principle of Noninterference. Of crucial importance in understanding the relation of the courts to control of student conduct by public school authorities is the paramount principle that the courts will not interfere with an act of the legislative or the administrative branch unless the branch has exceeded its powers or has abused its discretion in wielding its powers. It must be emphasized that the question before a court is not whether the court approves the rule as one it would have made, had it been in control of the administrative or legislative situation. Nor is the question whether the rule is essential to the proper operation of the school. As noted previously, the burden of proof of improper action by school authorities is generally on the complainant. But if a rule restricts a so-called "fundamental" right—one explicitly or implicitly guaranteed by the Constitution—the burden of proof of an overriding need is placed on school authorities.

Courts theoretically may not pass on the wisdom of legislative or administrative acts. Thus, disagreement with the desirability or efficacy of a regulation cannot form the basis of a complaint to be handled by the judiciary. The subject matter of a school regulation may be attacked in court if it is alleged that the domain of the rule is not a proper one for intrusion by school authorities, that the regulation violates a prescription of the federal or state constitution or a statute, or that the rule is unreasonable in the sense previously discussed.

"Section 1983." The rediscovery, almost a century after its enactment, of a provision of the Civil Rights Act of 1871—and the liberal interpretation given it in recent years by most federal courts—have opened the federal judiciary to a wide range of student discipline cases. The provision, popularly known as "Section 1983," specifies:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.[3]

On the basis of this provision, a student who claims the deprivation of a constitutional right by operation of a conduct regulation often can invoke federal jurisdiction. In effect the student can have the federal courts pass on the regulation in the process of adjudicating his complaint against school officials in situations where federal jurisdiction might be difficult to establish otherwise. However, Section 1983 does not require "that federal courts entertain all suits in which unconstitutional deprivations are asserted. A federal constitutional question must exist 'not in mere form, but in substance, and not in mere assertion, but in essence and effect.'"[4]

RULES OF CONDUCT, IN GENERAL

Operation of the public schools without rules and regulations would be impossible. Those regulations that pertain to conduct obviously restrict the rights of students and parents. Although technically the rights of pupils and the rights of parents are separable, in this monograph these rights are treated together as on one side of the balance, with the rights of school authorities (the state) on the other side. Because most public school students are minors, suits involving school regulations generally are brought by parents or guardians either on their own behalf or on behalf of the students affected.

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[3] Civil Rights Act, 42 U.S.C. § 1983 (1970).

[4] Freeman v. Flake, 448 F.2d 258, 261 (10th Cir. 1971), *cert. denied*, 92 S. Ct. 1292 (1972).

Minimum Essentials of Enforceable Rules

From analysis of many hundreds of cases decided in federal and appellate state courts, many of which will be discussed subsequently, may be distilled the following minimum essentials for an enforceable rule of student conduct.

1. The rule must be publicized to students. Whether it is issued orally or in writing, school authorities must take reasonable steps to bring the rule to the attention of students. A major exception is where the act for which a student is to be disciplined is obviously destructive of school property or disruptive of school operation.
2. The rule must have a legitimate educational purpose. The rule may affect an individual student's learning situation or the rights of other students in the education setting.
3. The rule must have a rational relationship to the achievement of the stated educational purpose.
4. The meaning of the rule must be reasonably clear. Although a rule of student conduct need not meet the strict requirements of a criminal statute, it must not be so vague as to be almost completely subject to the interpretation of the school authority invoking it.
5. The rule must be sufficiently narrow in scope so as not to encompass constitutionally protected activities along with those which constitutionally may be proscribed in the school setting.
6. If the rule infringes a fundamental constitutional right of students, a compelling interest of the school (state) in the enforcement of the rule must be shown.

Supreme Court Pronouncements

The United States Supreme Court in 1925 discussed the rights of parents in a case where it held that the compulsory-education requirement need not be met in a public school, but could be met in a private school.[5] In this case a private sectarian school and a private nonsectarian school had contended they were being deprived of their constitutional right to engage in a useful business by an Oregon statute that required children of certain ages to attend public schools only. Although the Court decided the case on the basis of Fourteenth Amendment property rights of the schools, it discussed parents' rights as follows: "The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."[6]

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[5] Pierce v. Society of Sisters, 268 U.S. 510, 45 S. Ct. 571 (1925).

The Court further stated that "rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State."[7] It commented that the challenged statute "unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control."[8]

In 1969, in its first opinion directly on regulation of student conduct per se, the Supreme Court said, "First Amendment rights, applied in light of the special characteristics of the school environment, are available to . . . students. It can hardly be argued that . . . students . . . shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."[9] However, it further commented that it "has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school authorities, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools."[10]

In a 1968 case in which it invalidated a statute that barred teaching the theory of evolution in public institutions, the Supreme Court stated:

> Judicial interposition in the operation of the public school system of the Nation raises problems requiring care and restraint. Our courts, however, have not failed to apply the First Amendment's mandate in our educational system where essential to safeguard the fundamental values of freedom of speech and inquiry and of belief. By and large, public education in our Nation is committed to the control of state and local authorities. Courts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems which do not directly and sharply implicate basic constitutional values. On the other hand, "The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American Schools. . . ."[11]

Over a half-century before, in upholding the right of Mississippi to prohibit secret fraternities and sororities in the educational institutions of the state, the Court said, "It is not for us to entertain conjectures in opposition to the views of the State, and annul its regulations upon disputable considerations of their wisdom or necessity."[12]

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[6] *Id.* at 573.

[7] *Id.*

[8] *Id.*

[9] Tinker v. Des Moines Independent Community School District, 393 U.S. 503, 89 S. Ct. 733, 736 (1969).

[10] *Id.* at 737.

[11] Epperson v. State of Arkansas, 393 U.S. 97, 89 S. Ct. 266, 270 (1968).

INSIGNIA AND EMBLEMS

The "Twin Button-Cases"

The basic modern judicial position regarding political rights of students in public schools was enunciated first by a panel of the United States Court of Appeals for the Fifth Circuit in 1966. In two decisions announced the same day, the court ruled for the students in one and for the board in the other. Each case involved the wearing of "political" buttons by students. These opinions were cited with approval by the United States Supreme Court, which used their rationale in the *Tinker* armband case.

In the first case, a number of students appeared at school wearing buttons containing the words "One Man One Vote" around the perimeter with "SNCC" inscribed in the center.[13] The principal announced that students were not permitted to wear such buttons in the school. He justified this as a disciplinary regulation promulgated because the buttons "didn't have any bearing on their education," "would cause commotion," and would disturb the school program. When 30 to 40 children continued to display the buttons, the principal gave them the choice of removing them or being sent home. Most elected to go home, and the principal suspended them for one week.

The court of appeals invalidated the rule. The appellate bench noted that on former occasions students had worn "Beatle buttons" and buttons containing the initials of students, and these had not been proscribed. The court held that school children have a right to communicate an idea silently and to encourage the members of their community to exercise their civil rights. It observed:

> The right to communicate a matter of vital public concern is embraced in the First Amendment right to freedom of speech and therefore is clearly protected against infringement by state officials. . . . Particularly, the Fourteenth Amendment protects the First Amendment rights of school children against unreasonable rules and regulations imposed by school authorities.[14]

The court recognized that the establishment of an educational program requires the formulation of rules and regulations necessary for the maintenance of an orderly climate, and further recognized that school officials must be granted a wide latitude of discretion. But it noted that in this case no situation requiring discipline had arisen. The principal admitted that the children were expelled not for disrupting classes, but for violating the school regulation. The court stated:

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[12] Waugh v. Board of Trustees of the University of Mississippi, 237 U.S. 589, 35 S. Ct. 720, 723 (1915).

[13] Burnside v. Byars, 363 F.2d 744 (5th Cir. 1966).

[14] *Id.* at 747-48.

> Wearing buttons on collars or shirt fronts is certainly not in the class of those activities which inherently distract students and break down the regimentation of the classroom such as carrying banners, scattering leaflets, and speechmaking, all of which have no place in an orderly classroom. If the decorum had been so disturbed by the presence of the "freedom buttons," the principal would have been acting within his authority and the regulation forbidding the presence of buttons on school grounds would have been reasonable. But the affidavits and testimony before the District Court reveal no interference with educational activity and do *not* support a conclusion that there was a commotion or that the buttons tended to distract the minds of the students away from their teachers. Nor do we think that the mere presence of "freedom buttons" is calculated to cause a disturbance sufficient to warrant their exclusion from school premises unless there is some student misconduct involved. Therefore, we conclude after carefully examining all the evidence presented that the regulation forbidding the wearing of "freedom buttons" on school grounds is arbitrary and unreasonable, and an unnecessary infringement on the students' protected right of free expression in the circumstances revealed by the record.[15]

In the second case, school authorities were upheld in banning buttons where the record showed an unusual degree of commotion, boisterous conduct, collision with rights of others, and undermining of authority.[16] The buttons were similar to those of the previous case.

The principal in this case had banned the buttons following a disturbance by students noisily talking about the buttons in the hall when they were scheduled to be in class. Shortly thereafter, approximately 150 pupils came to school wearing buttons. These students distributed the buttons to other students in the corridors of the building and pinned buttons on some even though they did not want them. One of the students tried to put a button on a younger child who began crying.

The principal called all the students to the cafeteria and informed them once again they were forbidden to wear the buttons at school. Several students conducted themselves discourteously during this time and displayed an attitude of hostility.

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[15] *Id.* at 748-49.

[16] Blackwell v. Issaquena County Board of Education, 363 F.2d 749 (5th Cir. 1966).

The next day about 200 students appeared wearing buttons. They were assembled and told if they returned to school again wearing the buttons they would be suspended. This they did the next day, and suspension resulted. As the suspended students gathered their books to go home, school activities were generally disrupted. The students interfered with other students still in class and urged other students to leave with them.

The court indicated that the issue presented on this appeal was identical to that in the previous case. The difference in the decision was based on the fact that in this case there was evidence of a disturbance the school authorities had a right, if not a duty, to quell.

The Tinker Case

Not until 1969 did the United States Supreme Court issue its first opinion involving pupil discipline per se in the *Tinker* case.[17] The case concerned a school board's prohibition of the wearing of black armbands by students desiring to protest hostilities in Vietnam and to support a truce. The Court ruled against the board by a vote of seven to two. (Two of the seven justices added brief concurring opinions.)

Aware that certain students were planning to wear armbands, the principals of the Des Moines, Iowa, schools adopted a policy that any student wearing an armband would be asked to remove it, and if he refused he would be suspended until he returned without the armband. The Supreme Court stated:

> . . . [T]he wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely akin to "pure speech" which, we have repeatedly held, is entitled to comprehensive protection under the First Amendment. . . .
>
> First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.[18]

But the Court added this counterbalancing point:

> On the other hand, the Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school

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[17] Tinker v. Des Moines Independent Community School District, 393 U.S. 503, 89 S. Ct. 733 (1969).

[18] *Id.* at 736.

> authorities, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools. . . . Our problem lies in the area where students in the exercise of First Amendment rights collide with the rules of the school authorities.[19]

The Court also discussed what it was *not* deciding:

> The problem presented by the present case does not relate to regulation of the length of skirts or the type of clothing, to hair style or deportment. Compare *Ferrell v. Dallas Independent School District*, 392 F.2d 697 (1968) [discussed in this paper *infra*]; *Pugsley v. Sellmeyer*, 158 Ark. 247, 250 S.W. 538 (1923) [discussed in this paper *infra*]. It does not concern aggressive, disruptive action or even group demonstrations. Our problem involves direct, primary First Amendment rights akin to "pure speech."
> The school officials banned and sought to punish petitioners for a silent, passive, expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of petitioners' interference, actual or nascent, with the school's work or of collision with the rights of other students to be secure and to be let alone. Accordingly, this case does not concern speech or action that intrudes upon the work of the school or the rights of other students.[20]

The Supreme Court concluded that the "record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities." It observed that "no disturbances or disorders on the school premises in fact occurred." It further noted that the principals did not ban "the wearing of all symbols of political or controversial significance." but only "a particular symbol—black armbands worn to exhibit opposition to this Nation's involvement in Vietnam." Such a prohibition on "one particular opinion. at least without evidence that it is necessary to avoid material and substantial interference with school work or discipline, is not constitutionally permissible."

The Court established the bounds of its holding as follows:

> In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that the exercise of the forbidden right would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school," the prohibition cannot be sustained. . . .

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[19] *Id.* at 737.
[20] *Id.*

> . . . But conduct by the student, in class or out of it, which for any reason—whether it stems from time, place, or type of behavior—materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guaranty of freedom of speech.[21]

Two of the seven judges composing the majority wrote short concurring opinions. Justice Stewart could not "share the Court's uncritical assumption that, school discipline aside, the First Amendment rights of children are co-extensive with those of adults."[22] Justice White "deem[ed] it appropriate to note" that "the Court continues to recognize a distinction between communicating by words and communicating by acts or conduct which sufficiently impinge on some valid state interest" and that he did not "subscribe to everything the [Fifth Circuit] Court of Appeals said about free speech in its opinion" referred to by the Court.[23] Justices Black and Harlan dissented.

*Post-*Tinker *Cases*

A number of "symbol" cases have arisen since the *Tinker* decision. As reasonably would be anticipated, some decisions have been in favor of school officials, and in others students have prevailed. Primarily the courts have examined the bases on which school officials have predicated their forecasts of disorder in banning emblems.

Decided for school authorities. The first case after *Tinker* supported a ban by school authorities. The setting was an Ohio school in which there had been severe racial tensions.[24] Although not in writing, the rule against emblems and other insignia not related to school activities had been applied uniformly in the school for at least 40 years. Originally the rule was intended to reduce undesirable divisions created within the student body by fraternities and sororities. However, the rule had acquired, in the words of the trial court, "a particular importance in recent years. Students have attempted to wear buttons and badges expressing inflammatory messages, which, if permitted, and as the evidence indicates, would lead to substantial racial disorders at [the school]."[25]

Buttons some pupils sought to wear included "White is Right," "Black Power," and "Happy Easter, Dr. King." When a student wore the latter button, a fight resulted in the cafeteria. On another occasion, students from another school in the district entered the corridor wearing distinctive headdress. As they proceeded down the corridor, they struck and attacked other students whom they had expected to join them in wearing the headdress, but who had not done so.

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[21] *Id.* at 738-740.
[22] *Id.* at 741.
[23] *Id.*
[24] Guzick v. Drebus, 431 F.2d 594 (6th Cir. 1970), *cert. denied*, 91 S. Ct. 941 (1971).
[25] Guzick v. Drebus, 305 F. Supp. 472, 476 (N.D. Ohio 1969).

In the case at bar a student was suspended for refusing to remove a button with the legend:

April 5 Chicago
G.I.—Civilian
Anti-War
Demonstration
Student Mobilization Committee

The case was distinguished from *Tinker* on several grounds. Here, all non-school-related indicia were banned. The rule in this case was long-standing and had been consistently applied. Further, the present situation warranted the continuance of the rule because of "potential racial collisions" in a school which had changed from a student racial composition of all-white to 70 percent black. "In our view," said the court of appeals, "school authorities should not be faulted for adhering to a relatively non-oppressive rule that will indeed serve our ultimate goal of meaningful integration of our public schools."[26] The court addressed itself to the question of abridgment of free speech as follows:

> . . . [W]e doubt the propriety of protecting in a high school classroom such aggressive and colorful use of free speech [as would be protected at open public protest meetings]. We must be aware in these contentious times that America's classrooms and their environs will lose their usefulness as places in which to educate our young people if pupils come to school wearing the badges of their respective disagreements, and provoke confrontations with their fellows and their teachers. The buttons are claimed to be a form of free speech. Unless they have some relevance to what is being considered or taught, a school classroom is no place for the untrammeled exercise of such right.[27]

The Supreme Court, with only one negative vote, denied certiorari.

Additional cases involving symbols decided in favor of school authorities include three in federal district courts in North Carolina, Colorado, and Pennsylvania. In the North Carolina case there were several groups of protesters in a series of controversies related to the Vietnam War.[28] Three types of armbands and some other symbols were utilized by differing factions. There had been incidents, and tensions were mounting when the principal acted to suspend those who were wearing armbands.

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[26] Guzick v. Drebus, 431 F.2d 594, 600-601 (6th Cir. 1970), *cert. denied*, 91 S. Ct. 941 (1971).

[27] *Id.* at 597.

[28] Hill v. Lewis, 323 F. Supp. 55 (E.D.N.C. 1971).

The district court denied a preliminary injunction sought to restrain the principal. The court found that the *Tinker* holding was "not applicable" because of the differing facts. The evidence showed that there had been "marching in the hallways, recruitment of other students to join the several groups, chanting, belligerent and disrespectful attitude towards teachers, incidents of flag disrespect, and threats of violence." A material fact was that more than one-third of the students were children of military personnel from a nearby base and "it was reasonable to assume that many of them supported the national war effort as the result of personal family interests," whereas others were "war protesters." The differing armbands "symbolize[d] the divergent factions." The court found "reasonable apprehension of disruption and violence."

In the Colorado case the court sustained the suspension of students of Mexican descent for wearing black berets.[29] The purposes of the berets on students were said to be to show a "symbol of their Mexican culture," to "show unity among Mexicans," to be "a symbol of their dissatisfaction with society's treatment of their race, and their desire to improve that treatment." For a while the wearing of the berets was permitted, but eventually wearers became arrogant and boisterous and engaged in intentionally disruptive conduct, including blocking hallways, refusing to give their names to teachers and to explain why they were in the hallways, and making disrespectful and somewhat threatening remarks to teachers. The court found their suspension not to be in violation of their constitutional rights in that "the evidence [was] without dispute that the beret was used by the plaintiffs as a symbol of their power to disrupt the conduct of the school and the exercise of control over the student body."[30]

The Pennsylvania case developed from a tense situation in a high school following the involvement of United States troops in Cambodia and the killing of four students by the National Guard troops at Kent State University. Students were being urged by some classmates to attend protest rallies. Thirty to fifty students came to school wearing armbands, many having on them "strike," "rally," or "stop the killing." School officials decided that armbands urging violation of attendance laws must not be worn, but the armbands not carrying "strike" or "rally" would be permitted. This rule was upheld by a federal district court, which reasoned as follows:

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[29] Hernandez v. School District Number One, Denver, Colorado, 315 F. Supp. 289 (D. Colo. 1970).

[30] *Id.* at 291.

> The temporary restriction by the school against the wearing of the armbands with the words "strike," "rally," and "stop the killing" was not related to the suppression of "pure speech," or to the popularity or unpopularity of the ideas sought to be expressed thereby, or the administrator's view of the same. The restriction was related to the potentially disruptive situation at the school at that time. [School authorities] were interested in and had the responsibility to insure the continuing education and safety of all students. This Court will not now second guess their judgment. We feel that the limited restrictions imposed upon the students were reasonable and necessary. The refusal of a student to obey the reasonable requests in this case was insubordinate and unprotected activity.[31]

Decided against school authorities. Two insignia cases were decided in favor of students in a federal district court in Texas and in the Fifth Circuit Court of Appeals. One was an action to enjoin a school district from enforcing against wearers of brown armbands a new regulation against wearing "apparel decoration that is disruptive, distracting, or provocative."[32] The wearers of the armbands were of Mexican descent and the armbands were "in expression and support of their view that the substance of their grievances [over certain educational policies] was justified and worthy of corrective action by school officials."

The court found that the dress rule, though not specifically mentioning armbands or being limited thereto, was "precipitated by and directed at" the armbands. Some disruptions alleged by the school officials were not supported by the evidence. "The facts as here found put this case on all fours with that decided by the United States Supreme Court in [*Tinker*]," the court concluded.[33]

In the other case the court of appeals reversed the trial court and found that alleged disruptions and threats of disruption by wearers of black armbands were not sufficient under the facts to justify the exclusion of the wearers.[34] The focal point was the "Vietnam Moratorium of October 15, 1969." On learning of a plan to wear black armbands in school, the superintendent "decided, as he testified, that it was disruptive and contrary to long standing school policy." But, in the words of the court, "In support of the long standing of this policy . . . he proffered [a regulation], which . . . fails to show it. . . . If it makes any difference, it would seem the policy was improvised ad hoc for the occasion."[35] The court cited the facts that other "peace symbols" previously had been allowed and that on the moratorium date the principals of some schools were slow in getting the word, with the result that black armbands were in fact worn for several hours in some schools, and all day in one school.

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[31] Wise v. Sauers, 345 F. Supp. 90, 93 (E.D. Pa. 1972).
[32] Aguirre v. Tahoka Independent School District, 311 F. Supp. 664 (N.D. Tex. 1970).
[33] *Id.* at 666.
[34] Butts v. Dallas Independent School District, 436 F.2d 728 (5th Cir. 1971).

The court rejected in strong words the "guilt by association" argument that the black armband wearers by that act subscribed to the entire program of the nationwide Moratorium Committee including its proposals for interruption of school work. It observed that the school authorities had reason to believe that disruption on October 15 was a likely contingency, but disagreed that "this expectation sufficed per se to justify suspending the exercise of what we are taught by *Tinker* is a constitutional right." The court stated in summary:

> Our difference with the trial court therefore is that we do not agree that the precedential value of the *Tinker* decision is nullified whenever a school system is confronted with disruptive activities or the possibility of them. Rather we believe that the Supreme Court has declared a constitutional right which school authorities must nurture and protect, not extinguish, unless they find the circumstances allow them no practical alternative. As to the existence of such circumstances, they are the judges, and if within the range where reasonable minds may differ, their decisions will govern. But there must be some inquiry, and establishment of substantial fact, to buttress the determination.[36]

Racial Symbols

Insignia have figured in several cases related to desegregation. (See also *Guzick, supra.*) One developed in a Tennessee school that recently had been integrated.[37] Prior to integration the Confederate flag was used as the school flag. Disruptions, however, had caused the school to change its symbol. A student who insisted on wearing the Confederate flag as an arm patch was eventually suspended. The Court of Appeals, Sixth Circuit, upheld the suspension, indicating that under the circumstances the use of the flag was not protected by the First Amendment. School officials were justified in anticipating that a tense racial situation would be aggravated by the student using the Confederate flag in this fashion.

On the other hand the Court of Appeals, Seventh Circuit, found there was not an illegal discrimination against black students in a particular school that used symbols some blacks found offensive: the school flag resembled the flag of the Confederacy, the name "Rebels" was used for athletic teams, "Southern Aires" for the glee club, and "Southern Belle" for the homecoming queen.[38] Although it did offer the view that use of such symbols was not a good policy, the court found no connection between these symbols and any discrimination alleged by the black students.

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[35] *Id.* at 730.

[36] *Id.* at 732.

[37] Melton v. Young, 465 F.2d 1332 (6th Cir. 1972), *cert. denied*, 93 S. Ct. 1926 (1973).

In a school desegregation proceeding, a federal court in Louisiana ordered that symbols or indicia expressing desire of the school board or its employees to maintain segregated schools be removed.[39] As part of the order the judge expressly barred the Confederate flag, but added, "This shall not prevent individual students from wearing or displaying buttons, signs, or symbols."[40] In a brief per curiam opinion the Court of Appeals, Fifth Circuit, affirmed.[41] As to banning symbols or indicia, the appellate court said that the lower court was fully warranted in "banning symbols or indicia *expressing the school board's or its employees'* desire to maintain segregated schools and requiring that they 'shall be removed from the schools and shall not be officially displayed.'"[42] The court made no reference to individual students.

A Florida high school had used the name "Rebels" as its official team name and the Confederate flag as the school emblem since its opening in 1958. Beginning in 1966-67 a few black students attended. In 1972-73 about 8 percent of the enrollees were black. Suit was brought to enjoin the use of these symbols.[43] The board took the position that the student body had the First Amendment right to choose the school symbols. Early in 1973 the student body had voted by a large majority to retain them.

At the trial the court found that the symbols were racially irritating to a substantial number of black students, that the symbols were a significant contributing cause of the racial tension at the school, and that the use of the symbols was an obstacle to the effective operation of a racially unitary school. Citing *Smith* and *Melton*, and both distinguishing and rejecting *Banks*, the court ordered use of the symbols in the school halted. Official use was barred primarily on the conclusion that maintenance of the symbols adversely affected the operation of a unitary school system. Private use was barred primarily on the conclusion that presence of the symbols had caused disruption that was likely to increase if individuals were to continue using the symbols after the court had forbidden their use as school emblems. Such private use could only be viewed as "provocation to anger black students."

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[38] Banks v. Muncie Community Schools, 433 F.2d 292 (7th Cir. 1970).
[39] Smith v. St. Tammany Parish School Board, 316 F. Supp. 1174 (E.D. La. 1970).
[40] *Id.* at 1177.
[41] Smith v. St. Tammany Parish School Board, 448 F.2d 414 (5th Cir. 1971).
[42] *Id.* at 415.
[43] Augustus v. School Board of Escambia County, 361 F. Supp. 383 (N.D. Fla. 1973).

PUBLICATIONS

Since 1968 there has been a procession of cases involving questions about the extent of the power of public school authorities to control student publications. Litigation has involved both publications sponsored by schools and so-called "underground" materials. Some items have been distributed free of charge; others have been sold or have solicited contributions. Some have been lengthy; others have been limited to one sheet. Some have treated controversial topics; some have invoked charges of vulgarity or obscenity; some have directly criticized school authorities.

The common legal thread throughout the cases is that school authorities have attempted to restrict in some manner written communications received by students on school premises. Clearly any restraint must be tested against the First Amendment's protection of freedom of speech and/or press.

Time, Place, and Manner Restraints

The general proposition that school authorities can control the "time, place, and manner" of expressive activity is well settled.[44] Such regulations, if they are not deceptively used as a guise for restricting production and distribution of literature deemed undesirable by school authorities, are inherently necessary for a proper educational atmosphere. The purpose, of course, "is to prevent disruption and not to stifle expression."[45] The regulations may not require that a student obtain approval for the time, place, and manner of each proposed distribution; they should be promulgated by school authorities.[46] If those receiving the papers act in an irresponsible manner it is they, and not the writers of the papers, who should be disciplined.[47]

Several courts have indicated judicial approval of specific elements of time, place, and manner restraints. The Court of Appeals, Second Circuit, has said that "it would be wise for the Board to consider [and specify] the areas of school property where it would be appropriate to distribute approved material."[48] A ban on distribution of any literature during a fire drill would be upheld.[49] "The Board may provide that all leafletting is to take place outside of the school building or in the student lounge and in such a manner that regular classroom and other school activities are not interfered with."[50] But a prohibition against any distribution "while classes are being conducted" is too broad where there are periods when substantial numbers of students are on the premises and are not engaged in classroom activity.[51]

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[44] Grayned v. City of Rockford, 408 U.S. 104, 92 S. Ct. 2294 (1972).

[45] Shanley v. Northeast Independent School District, Bexar County, Texas, 462 F.2d 960, 969 (5th Cir. 1972).

[46] Fujishima v. Board of Education, 460 F.2d 1355 (7th Cir. 1972).

[47] Sullivan v. Houston Independent School District, 307 F. Supp. 1328, 1342 (S.D. Tex. 1969).

Involvement in Discipline Cases

Sometimes production or distribution of publications has constituted only one of several factors involved in student discipline situations. In a New York case a federal district court held that a student was not entitled to a preliminary injunction against his transfer to another school for having distributed an article containing numerous vulgarities.[52] The article had been published in a paper on which was forged the official masthead of the school newspaper. Prior to this incident the student had engaged in several disruptive activities including one in which a fellow student was injured. After conferences with school authorities at that time, he had voluntarily signed an agreement to obey school rules and to avoid activities "not conducive to a proper school atmosphere."

In another New York case with a complex set of facts, partly concerning the content of publications produced off school property, the suspension of a high school student was judicially approved.[53] The student had been involved in a number of incidents amounting to "a pattern of open and flagrant defiance of school discipline, aided and abetted by his parents' encouragement."[54] Part of the basis for the student's suspension was the disorderly distribution during a period of student strikes of a publication containing "four-letter words, filthy references, abusive and disgusting language and nihilistic propaganda."[55] The court observed:

> . . . While there is a certain aura of sacredness attached to the First Amendment, nevertheless these First Amendment rights must be bal-

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[48] Eisner v. Stamford Board of Education, 440 F.2d 803, 809 (2d Cir. 1971).

[49] Fujishima v. Board of Education, 460 F.2d 1355 (7th Cir. 1972).

[50] Vail v. Board of Education of Portsmouth School District, 354 F. Supp. 592, 598 (D.N.H. 1973).

[51] Jacobs v. Board of School Commissioners, 490 F.2d 601 (7th Cir. 1973), *cert. granted*, 94 S. Ct. 2638 (1974).

[52] Segall v. Jacobson, 295 F. Supp. 1121 (S.D.N.Y. 1969).

[53] Schwartz v. Schucker, 298 F. Supp. 238 (E.D.N.Y. 1969).

[54] *Id.* at 241.

[55] *Id.* at 240.

> anced against the duty and obligation of the state to educate students in an orderly and decent manner to protect the rights not of a few but of all of the students in the school system. The line of reason must be drawn somewhere in this area of ever expanding permissibility. Gross disrespect and contempt for the officials of an educational institution may be justification not only for suspension but also for expulsion of a student.[56]

The Court of Appeals, Fifth Circuit, in a case that developed over a period of time into one involving general discipline because of actions of students originally concerned with distribution of publications, ruled that a "student seeking equitable relief from allegedly unconstitutional actions by school officials [must] come into court with clean hands."[57] In the court's view the student's "conduct in the instant case outweighs his claim for First Amendment protection, and gave school officials sufficient grounds for disciplining him."[58] The court refused to apply the material-and-substantial-disruption test to a student selling a newspaper in violation of a prior submission rule where it found that the student's "flagrant disregard of established school regulations, his open and repeated defiance of the principal's request, and his resort to profane epithet"[59] warranted the disciplinary action. The court cited a United States Supreme Court decision in which it was held that a student group's announced refusal to abide by campus regulations would be a proper reason for denying university recognition to the group.[60]

Content Restraints

Most decided cases concerning student publications have involved the content of the publications. In this section three categories are discussed: criticism of school authorities, controversial issues, and obscenity and vulgarity. "Prior restraints" on contents are treated in the next section.

Criticism of school authorities. The first modern "pure" publications decision was decided in favor of the school board prior to *Tinker* and subsequently reversed on the basis of *Tinker* principles.[61] After a three-judge panel had upheld the district court by a vote of two to one, on a rehearing en banc the Court of Appeals, Seventh Circuit, by a vote of five to one, set aside the panel's decision. The court ruled that the students who had distributed a publication including some material found offensive by the school administration could not be expelled.

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[56] *Id.* at 242.

[57] Sullivan v. Houston Independent School District, 475 F.2d 1071, 1077 (5th Cir. 1973), *cert. denied*, 94 S. Ct. 461 (1973).

[58] *Id.* at 1075.

[59] *Id.* at 1076.

[60] Healy v. James, 408 U.S. 169, 92 S. Ct. 2338 (1972).

[61] Scoville v. Board of Education of Joliet Township High School District 204, 286 F. Supp. 988 (N.D. Ill. 1968), *rev'd*. 425 F.2d 10 (7th Cir. 1970), *cert. denied*, 91 S. Ct. 5 (1970).

The basic error of the district court was that it had ruled solely on the basis of some contents of the mimeographed "literary journal." Particular emphasis had been placed on an editorial that, in criticizing a school pamphlet sent to parents, urged "all students in the future to either refuse to accept or destroy upon acceptance all propaganda that Central's administration publishes," and a comment that a statement made by the dean was "the product of a sick mind." Sixty copies were distributed to faculty and students at a price of fifteen cents per copy. That there had been no disruption was undisputed.

The court of appeals stated that "the *Tinker* rule narrows the question before us to whether the writing of 'Grass High' and its sale in school to sixty students and faculty members could 'reasonably have led [the Board] to *forecast* substantial disruption of or material interference with school activities . . . or intru[sion] into the school affairs or the lives of others.'"[62] The court held that the complaint, which had merely alleged that the items were in the publication, did not disclose a clear and present danger justifying a forecast of the harmful consequences referred to in the *Tinker* rule. The court observed:

> No evidence was taken, for example, to show whether the classroom sales were approved by the teachers, as alleged; of the number of students in the school; of the ages of those to whom "Grass High" was sold; of what the impact was on those who bought "Grass High"; or of the range of modern reading material available to or required of the students in the school library. That plaintiffs may have intended their criticism to substantially disrupt or materially interfere with the enforcement of school policies is of no significance *per se* under the *Tinker* test.[63]

The court commented that the statement "imputing a 'sick mind' to the dean reflects a disrespectful and tasteless attitude toward authority,"[64] but would not justify a forecast of substantial disruption.

A United States district court in Texas rendered judgment for students who had been expelled because of their involvement with a "newspaper" that had criticized school officials.[65] The court found the criticism of school policies and administrators' attitudes to be "on a mature and intelligent level."[66] Evidence presented as to disturbances created by distribution of the paper was deemed inadequate to support suppression of the paper. The court also observed that the boys had carefully distributed the paper and that they were not responsible for movement of copies by "unknown persons." The court gave short shrift to the school authorities' argument that there was an organized student movement attempting to "overthrow" the Houston school system and that elimination of the paper and expulsion of the students were necessary to prevent further "infiltration."

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[62] *Id.* at 13.
[63] *Id.* at 14.
[64] *Id.*
[65] Sullivan v. Houston Independent School District, 307 F. Supp. 1328 (S.D. Tex. 1969).

Occasionally, to amplify their reasoning, courts have set forth possible judicial responses to hypothetical situations. A federal district court has suggested that "if on the basis of substantial reliable information, the school authorities believe that a given publication . . . advocates destruction of school property or urges 'physical violence' against teachers or fellow students,"[67] they would be justified in suppressing it during school hours and on school grounds. But, according to the Seventh Circuit Court of Appeals, in the absence of "extraordinary circumstances" school authorities could not penalize a student who "distributed a controversial pamphlet in a lunchroom resulting in robust arguments or who distributed a newspaper including derogatory but not defamatory remarks about a teacher.[68]

Controversial issues. The First Circuit Court of Appeals ruled in favor of students desiring to distribute within the school building controversial literature disapproved by school officials.[69] One item was an antiwar leaflet, the other "A High School Bill of Rights." The authorities were unsuccessful in their attempt to invoke a rule aimed at controlling inschool advertising or promotional efforts of nonschool organizations.

Another court has ruled that the Constitution does not require "a specific rule regarding every permutation of student conduct before a school administration may act reasonably to prevent disruption. . . . We do not here delimit the categories of materials for which a high school administration may exercise a reasonable prior restraint of content to only those materials obscene, libelous, or inflammatory, for we realize that specific problems will require individual and specific judgments."[70] These words of the Court of Appeals, Fifth Circuit, were written in a case where appearance of "controversial" subjects in a publication was offered as a reason for disciplining students.

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[66] *Id.* at 1341.

[67] Vail v. Board of Education of Portsmouth School District, 354 F. Supp. 592, 600 (D.N.H. 1973).

[68] Jacobs v. Board of School Commissioners, 490 F.2d 601, 606 (7th Cir. 1973), *cert. granted*, 94 S. Ct. 2638 (1974).

[69] Riseman v. School Committee of City of Quincy, 439 F.2d 148 (1st Cir. 1971).

The controversial points were an advocacy of review of the laws regarding marijuana and the offering of information on birth control. The court, in disapproving the position of the school officials, said, "It appears odd to us that an educational institution would boggle at 'controversy' to such an extent that the mere representation that students should become informed of two widely-publicized, widely-discussed, and significant issues that face the citizenry should prompt the board to stifle the content of a student publication."[71]

That the author of a publication may be "controversial" is not relevant to First Amendment rights of those who distribute the material. Thus a blanket bar against distribution by students of materials "not written by a student, teacher, or other school employee" cannot be put into effect.[72]

In a New York case the right of high school students to publish in the school newspaper a paid advertisement opposing the war in Vietnam was judicially upheld.[73] The advertisement read: "The United States government is pursuing a policy in Vietnam which is both repugnant to moral and international law and dangerous to the future of humanity. We can stop it. We must stop it."[74] When the principal of the school directed that the advertisement not be published, the students claimed an abridgement of their freedom of speech.

School authorities maintained that the publication "is not a newspaper in the usual sense" but is "a 'beneficial educational device' developed as part of the curriculum and intended to inure primarily to the benefit of those who compile, edit and publish it."[75] They said the policy is that only purely commercial advertising is accepted for the paper and that news items and editorials are restricted to matters pertaining to the high school and its activities.

After examining back issues of the paper, however, the court noted that "the newspaper is being used as a communications media regarding controversial topics and that the teaching of journalism includes dissemination of such ideas. . . . The presence of articles concerning the draft and student opinion of United States participation in the war shows that the war is considered to be a school-related subject. This being the case, there is no logical reason to permit news stories on the subject and preclude student advertising."[76]

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[70] Shanley v. Northeast Independent School District, Bexar County, Texas, 462 F.2d 960, 970-71 (5th Cir. 1972).

[71] *Id.* at 972.

[72] Jacobs v. Board of School Commissioners, 490 F.2d 601 (7th Cir. 1973), *cert. granted*, 94 S. Ct. 2638 (1974).

[73] Zucker v. Panitz, 299 F. Supp. 102 (S.D.N.Y. 1969).

[74] *Id.* at 103.

[75] *Id.*

Despite the school authorities' argument that the *Tinker* decision was not relevant, the court referred to the Supreme Court's statement in *Tinker* that "personal intercommunication among the students" is protected not only in the classroom. The court concluded:

> Here, the school paper appears to have been open to free expression of ideas in the news and editorial columns as well as in letters to the editor. It is patently unfair in light of the free speech doctrine to close to the students the forum which they deem effective to present their ideas.[77]

Obscenity and vulgarity. That school authorities can ban obscene materials from school premises is unquestioned. Questions exist, however, about what is obscene as a matter of law. Discussion of the latter is beyond the scope of this treatise. However, it may be authoritatively said that school authorities can suppress materials that could not be banned from public streets. Involved are the needs of the school environment and the fact that "even where there is an invasion of protected freedoms 'the power of the state to control the conduct of children reaches beyond the scope of its authority over adults.' "[78]

Very relevant to the school situation is the important distinction between obscene materials and materials containing vulgarities. The key element in obscenity is appeal to prurient sexual interests.[79] Thus in a given context it has been held that the use of the word "fuck" in the declaration "High Skool is Fucked" had no reference to sex, but rather meant that the high school was "in bad shape."[80]

At the trial of this case, when it had been pointed out that similar expressions were to be found in the libraries of the school system, the principal suggested that the library works had "educational merit." He testified that such language in books and magazines in the library was to be tolerated because it described "things as they were at the time" in books "about the war, about the poor people, the underprivileged. Many times this is the way they speak and this, to them, is not obscene. It's just a matter of their own conversation."[81]

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[76] *Id.* at 103-04.
[77] *Id.* at 105.
[78] Ginsberg v. New York, 390 U.S. 629, 88 S.Ct. 1274, 1280 (1967).
[79] Fujishima v. Board of Education, 460 F.2d 1355 (7th Cir. 1972).
[80] Sullivan v. Houston Independent School District, 333 F. Supp. 1149 (S.D. Tex. 1971), *vacated on other grounds*, 475 F.2d 1071 (5th Cir. 1973), *cert. denied*, 94 S. Ct. 461 (1973).

The court said it was "unable to comprehend such a distinction and consequently [was] constrained to find that respondents [had] failed to demonstrate a basis for discrimination between the use of vulgarity in [the student publication] and its use in school-approved publications."[82] In an earlier decision involving the same litigants the court had ruled that objected-to items in a publication were "no more obscene than [a] sign hanging in the office of the school athletic coaches."[83]

A federal district court in California upheld a ten-day suspension of two students for having violated a rule against use of "profanity or vulgarity" in an off-campus newspaper distributed immediately adjacent to school grounds.[84] The plaintiff students contended that the *Tinker* test protected them because the issue of the paper "did not cause disruption or interference with the normal educational program at [the school] and . . . they were merely expressing their views and opinions, which they had every right to do although such expression might be unpopular with some."[85]

The court found that there had been some disruption, and further, that the case presented an issue different from freedom of speech on political matters. It referred to testimony by the principal and the assistant principal that 25 to 30 teachers had told them of interruption of their classes and of inattention by students due to their reading of, and talking about, the publication. (A few teachers testified there were disruptions, and some testified to the contrary.)

The court emphasized that the issue here was not what was said, but how it was said. Although neither pornography nor obscenity as defined by law was involved, the court was satisfied that there were vulgarities in the text as well as in some pictures, and that the rule, reasonable under California statutes, was thus broken. The court concluded that "plaintiffs were not disciplined for the criticism of the school administrators and the faculty, or of the Vietnam war, but because of the profane and vulgar *manner* in which they expressed their views and ideas."[86] The court noted that prior issues of the publication had criticized the school authorities, but no action was taken until the "vulgar" issue was distributed.

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[81] *Id.* at 1166.

[82] *Id.* at 1166-67.

[83] Sullivan v. Houston Independent School District, 307 F. Supp. 1328, 1341 (S.D. Tex. 1969).

[84] Baker v. Downey City Board of Education, 307 F. Supp. 517 (C.D. Cal. 1969).

[85] *Id.* at 521.

That obscene literature per se in public schools is not protected by general considerations of free speech was observed by a United States district court in Michigan.[87] The court stated school authorities have the power to promulgate "rules concerning the extent to which and the conditions under which obscene materials may or may not be properly on the school premises. . . . Without belaboring the First Amendment issue unnecessarily we are constrained to conclude that the type of regulation here [barring possession of obscene materials on school grounds] cannot be considered violative of this plaintiff's First Amendment rights."[88] However, the court ruled that a student could not be expelled merely for possession of a magazine containing some words that were also found in a magazine in the library and in a book that was on the reading list for students.

Because vulgarities are a form of expression, courts will not permit disciplinary action against students for minor infractions of good taste. Thus, where a statement about sex was an "attempt to amuse," it was held permissible.[89] So was the use of "earthy words relating to bodily functions and sexual intercourse" that appeared as "expletives or at some similar level."[90] In this case, the contested material amounted only to a very small part of the newspapers and was not "in any significant way erotic, sexually explicit, or . . . [plausibly appealing] to the prurient interests of adult or minor."[91]

In holding that a publication was not obscene, a federal district court in New York commented that the magazine contained "no extended narrative tending to excite sexual desires or constituting a predominant appeal to prurient interest. The dialogue was the kind heard repeatedly by those who walk the streets of our cities, use public conveyances and deal with youth in an open manner."[92] This court declined to examine in detail the prior-review policies that were being developed by the school board because that was not necessary in order to decide the issue before it. "Premature straight-jacketing by the courts may abort sound and imaginative methods of dealing with the problem."[93]

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[86] *Id.* at 527.

[87] Vought v. Van Buren Public Schools, 306 F. Supp. 1388 (E.D. Mich. 1969).

[88] *Id.* at 1392.

[89] Scoville v. Board of Education of Joliet Township High School District 204, 425 F.2d 10 (7th Cir. 1970), *cert. denied*, 91 S. Ct. 51 (1970).

[90] Jacobs v. Board of School Commissioners, 490 F.2d 601 (7th Cir. 1973), *cert. granted*, 94 S. Ct. 2638 (1974).

[91] *Id.* at 610.

[92] Koppell v. Levine, 347 F. Supp. 456, 459 (E.D.N.Y. 1972).

This reasoning was applied by another federal court to examination of an obscenity standard in a situation where the decision of a principal had not been appealed in accordance with a specified procedure.[94]

The Court of Appeals, Fourth Circuit, has stated that a prior restraint upon obscene material where the principal was to make the determination was invalid because as a prior restraint "obscene" is not sufficiently precise and understandable by high school students and administrators to be an acceptable criterion.[95] The court commented that obscene material could be banned by a post publication sanction, which it said did not have to be as precise as a regulation imposing prepublication restraints.

Prior Restraints

Four United States courts of appeals have issued opinions primarily focusing on the question of prior restraints on publications distributed on public school premises. The Second,[96] Fourth,[97], and Fifth[98] Circuits have held that prior restraints are possible under restricted conditions. The Seventh Circuit has held that although the "*Tinker* forecast rule is properly a formula for determining when the requirements of school discipline justify *punishment* of students for exercise of their First-Amendment rights, . . . [it] is not a basis for establishing a system of censorship and licensing designed to *prevent* the exercise of First Amendment rights."[99] The First Circuit has made tangential reference to the issue.[100]

The Second Circuit issued its opinion to modify a district court decision that had disapproved on its face a board rule providing that literature to be distributed "shall have prior approval by the school administration."[101] The lower court had enjoined not only the board's policy but any requirement that students obtain prior approval before distributing literature within the Stamford, Connecticut, public schools. The court of appeals said that it did "not agree with the district court . . . that reasonable and fair regulations which corrected [certain] defects but nevertheless required prior submission of material for approval, would in all circumstances be an unconstitutional 'prior restraint.' "[102] The appellate court observed that the United State Supreme Court had upheld film censorship provided certain procedural safeguards were observed. The court said that "it would be highly disruptive to the educational process if a secondary school principal were required to take a school newspaper editor to court every time the principal reasonably anticipated disruption and sought to restrain its cause. Thus, we will not require school officials to seek a judicial decree before they may enforce the Board's policy."[103]

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[93] *Id.* at 465.

[94] Caplin v. Oak, 356 F. Supp. 1250 (S.D.N.Y. 1973).

[95] Baughman v. Freienmuth, 478 F.2d 1345 (4th Cir. 1973).

[96] Eisner v. Stamford Board of Education, 440 F.2d 803 (2d Cir. 1971).

[97] Quarterman v. Byrd, 453 F.2d 54 (4th Cir. 1971); Baughman v. Freienmuth, 478 F.2d 1345 (4th Cir. 1973).

[98] Shanley v. Northeast Independent School District, Bexar County, Texas, 462 F.2d 960 (5th Cir. 1972).

[99] Fujishima v. Board of Education, 460 F.2d 1355, 1358 (7th Cir. 1972), *accord*, Jacobs v. Board of School Commissioners, 490 F.2d 601 (7th Cir. 1973), *cert. granted*, 94 S. Ct. 2638 (1974).

[100] Riseman v. School Committee of City of Quincy, 439 F.2d 148 (1st Cir. 1971).

[101] Eisner v. Stamford Board of Education, 440 F.2d 803 (2d Cir. 1971).

Further, the court did not "find any basis for holding, as the district court suggested, that the school officials must in every instance conduct an adversary proceeding before they may act to prevent disruptions, although the thoroughness of any official investigation may in a particular case influence a court's retrospective perception of the reliability and rationality of officials' fear of disruption."[104] The court suggested:

> . . . [G]reater specificity [in the regulation pertaining to materials which are to barred] might reduce the likelihood of future litigation and thus forestall the possibility that federal courts will be called upon again to intervene in the operation of Stamford's public schools. It is to everyone's advantage that decisions with respect to the operation of local schools be made by local officials. The greater the generosity of the Board in fostering—not merely tolerating—students' free exercise of their constitutional rights, the less likely it will be that local officials will find their rulings subjected to unwieldy constitutional litigation.[105]

In finding the board regulation constitutionally defective because of a lack of procedure for prior submission by students of material for school administration approval, the court stated:

> To be valid, the regulation [requiring prior submission] must prescribe a definite brief period within which review of submitted material will be completed.
>
> The policy [at bar] is also deficient in failing to specify to whom and how material may be submitted for clearance. Absent such specifications, students are unreasonably proscribed by the terms of the policy statement from distributing any written material on school property, since the statement leaves them ignorant of clearance procedures. Nor does it provide that the prohibition against distribution without

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[102] *Id.* at 805.
[103] *Id.* at 810.
[104] *Id.*
[105] *Id.*

> prior approval is to be inoperative until each school has established a screening procedure.
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> Finally, we believe that the proscription against "distributing" written or printed material without prior consent is unconstitutionally vague. We assume that by "distributing" the Board intends something more than one student passing to a fellow student his copy of a general newspaper or magazine.[106]

The Second Circuit's reasoning in this case, *Eisner*, was followed by the Fourth Circuit in a case in which a student was disciplined because she had violated a regulation prohibiting the distribution of written or printed material without the express permission of the principal of the school.[107] Here the court found the regulation invalid on its face. It said:

> Its basic vice does not lie in the requirement of prior permission for the distribution of printed material, though such requirement is manifestly a form of prior restraint or censorship. Free speech under the First Amendment, though available to juveniles and high school students, as well as to adults, is not absolute and the extent of its application may properly take into consideration the age or maturity of those to whom it is addressed. Thus, publications may be protected when directed to adults but not when made available to minors. . . . Similarly, a difference may exist between the rights of free speech attached to publications distributed in a secondary school and those in a college or a university. It is generally held that the constitutional right to free speech of public secondary school students may be modified or curtailed by school regulations "reasonably designed to adjust these rights to the needs of the school environment." . . . Specifically, school authorities may by appropriate regulation, exercise prior restraint upon publications distributed on school premises during school hours in those special circumstances where they can "reasonably 'forecast substantial disruption of or material interference with school activities'" on account of the distribution of such printed material. If a reasonable basis for such a forecast exists, it is not necessary that the school stay its hand in exercising a power of prior restraint "until disruption actually occurred." . . .
>
> What is lacking in the present regulation, and what renders its attempt at prior restraint invalid, is the absence both of any criteria to be followed by the school authorities in determining whether to grant or deny permission, and of any procedural safeguards in the form of "an expeditious review procedure" of the decision of the school authorities.[108]

A year and a half later the same court was asked to extend this decision, *Quarterman*, to prohibit *any* prior restraint based on content from being exercised by school officials over written material to be distributed on school grounds.[109] The court expressly declined to do so, but it applied *Quarterman* so as to grant the plaintiff students more relief than had the trial court. A pamphlet had been distributed criticizing a prior-restraint regulation, which barred items the principal believed to contain libelous or obscene language, to advocate illegal actions, or to be "grossly insulting" to any individual or group. The court observed that the rule did not deal with such expression in neutral terms of time, place, and manner of distribution, but rather imposed restraints on a publication because of its content.

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[106] *Id.* at 810-11.

[107] Quarterman v. Byrd, 453 F.2d 54 (4th Cir. 1971).

[108] *Id.* at 57-59.

As in *Quarterman* the court found to be fatal the absence of the procedural safeguard of a specified and reasonably short period of time in which the principal must act. Moreover, the regulations failed to provide for the contingency of the principal's failure to act within the specified brief time. Although the court emphasized it was not in its province to suggest a time limit, it cautioned that "whatever period is allowed, the regulation may not lawfully be used to choke off spontaneous expression in reaction to events of great public importance and impact."[110]

The court further found, as had the *Eisner* court, that a proscription against "distribution" was unconstitutionally vague. It amplified its view as follows:

> With respect to some communicative material there may be no prior restraint unless there is "a *substantial* distribution of written material, so that it can reasonably be anticipated that in a significant number of instances there would be a likelihood that the distribution would disrupt school operations." . . . With respect to other types of material, *e.g.*, pornography, one copy, indeed, the *only* copy may be the subject of what is legitimate prior restraint if what is forbidden is precisely defined. The prohibition of material which "advocates illegal actions, or is grossly insulting to any group or individual" seems to belong in the first category and thus goes beyond the permissible standard (for that type of material) of forecasting substantial disruption.[111]

In this case the court also dealt with the question of prior restraints upon obscene or libelous material:

> We agree that material which is, in the constitutional sense, unprivileged libel or obscenity if read by children can be banned from school property by school authorities. . . . If there were no contemplated prior restraint but instead merely post-publication sanction, the problem of vagueness would not be intolerable. Put affirmatively, we think that a regulation imposing prior restraint must be

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[109] Baughman v. Freienmuth, 478 F.2d 1345 (4th Cir. 1973).

[110] *Id.* at 1348-49.

[111] *Id.* at 1349.

> much more precise than a regulation imposing post-publication sanctions.[112]

The court observed that "letting students write first and be judged later is far less inhibiting than vice versa. For that reason vagueness that is intolerable in a prior-restraint context may be permissible as part of a post-publication sanction."[113] The court emphasized that "terms of art" such as "libelous" and "obscene" are not sufficiently precise and understandable by high school students and administrators to be acceptable criteria. In the words of the court:

> Thus, while school authorities may ban obscenity and unprivileged libelous material there is an intolerable danger, in the context of prior restraint, that under the guise of such vague labels they may unconstitutionally choke off criticism, either of themselves, or of school policies, which they find disrespectful, tasteless, or offensive. That they may not do.[114]

In a sharply worded rebuke of school authorities the Fifth Circuit Court of Appeals declared unconstitutional a policy applied to punish students for off-campus publication and distribution of printed materials.[115] The court said:

> This case is anomalous in several respects, a sort of judicial believe-it-or-not. Essentially, the school board has submitted a constitutional fossil, exhumed and respired to stalk the First Amendment once again long after its substance has been laid to rest. Counsel for the school board insists vigorously that education is constitutionally embraced solely by the Tenth Amendment, leaving education entirely without the protective perimeters of the rest of the Constitution. We find this a rather quaint approach to the constitutional setting of education in light of [a long list of Supreme Court decisions]. . . .
> There is nothing unconstitutional per se in a requirement that students submit materials to the school administration prior to distribution. . . . Given the necessity for discipline and orderly processes in the high schools, it is not at all unreasonable to require that materials destined for distribution to students be submitted to the school administration prior to distribution. As long as the regulation for prior approval does not operate to stifle the content of any student publication in an unconstitutional manner and is not unreasonably complex or onerous, the requirement of prior approval would more closely approximate simply a regulation of speech and not a prior restraint. Nor is there anything unconstitutional per se in a reasonable administrative ordering of the time, place, and manner of distributing materials on school premises and during school hours.[116]

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[112] *Id.*

[113] *Id.* at 1350.

[114] *Id.* at 1351.

[115] Shanley v. Northeast Independent School District, Bexar County, Texas, 462 F.2d 960 (5th Cir. 1972).

[116] *Id.* at 967-69.

The court pointed out it was not saying that every attempt by school districts to regulate conduct off school grounds and outside school hours would fail constitutional muster. It was holding that "the exercise of disciplinary authority by the school board under the aegis of [the policy] was unconstitutionally applied to prohibit and punish presumptively-protected First Amendment expression that took place entirely off-campus and without 'substantial and material' disruption of school activities, either actual or reasonably-foreseeable."[117]

The court accepted the *Eisner* criteria for procedural arrangements before prior restraint and added that there should be provision for an appeal from the decision of the school principal specifying the time period during which the appellate board must make a decision. One member of the three-judge panel disassociated himself from the view that the Constitution requires an administrative appeal procedure. (It should be noted here that the Fourth Circuit included "an adequate and prompt appeals procedure" as one of its conditions for prior restraint set out in *Baughman.)*

The Court of Appeals, Seventh Circuit, has adopted an entirely different approach to prior restraint of student publications. Expressly taking exception to the *Eisner* view, this court has said:

> *Tinker* in no way suggests that students may be required to announce their intentions of engaging in certain conduct beforehand so school authorities may decide whether to prohibit the conduct. Such a concept of prior restraint is even more offensive when applied to the long-protected area of publication. . . .
>
> The *Tinker* forecast rule is properly a formula for determining when the requirements of school discipline justify *punishment* of students for exercise of their First-Amendment rights. It is not a basis for establishing a system of censorship and licensing designed to *prevent* the exercise of First-Amendment rights.[118]

The court also said that the board has the burden of telling students when, how, and where they may distribute materials, rather than requiring a student to obtain administrative approval of the time, place, and manner of the distribution he proposes. "The board may then punish students who violate those regulations. Of course, the board may also establish a rule punishing students who publish and distribute on school grounds obscene or libelous literature."[119]

In a subsequent case the Seventh Circuit held void for vagueness and overbreadth a provision that "no student shall distribute in any school literature that is . . . either by its content or by the manner of distribution itself, productive of, or likely to produce a significant disruption of the normal educational processes, functions or purposes in any of the Indianapolis schools, or injury to others."[120] The proviso "at least threatens a penalty for a student who distributed a controversial pamphlet in a lunchroom resulting in robust arguments or who distributed a newspaper including derogatory but not defamatory remarks about a teacher. Absent extraordinary circumstances, the school authorities could not reasonably forecast substantial disruption of or material interference with school discipline or activities arising from such incidents."[121]

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[117] *Id.* at 975.

[118] Fujishima v. Board of Education, 460 F.2d 1355, 1358 (7th Cir. 1972).

[119] *Id.* at 1359.

One member of the three-judge panel dissented on the preceding point. All three judges agreed, however, that school officials could not restrict literature to be distributed to that authored by persons connected with the school and containing "the name of every person or organization that shall have participated in the publication."

A First Circuit case arose when the board of education of Quincy, Massachusetts, attempted to prevent the distribution within the school of an antiwar leaflet and "A High School Bill of Rights." The board invoked a rule that barred use of the facilities "in any manner for advertising or promoting the interests of any community or non-school agency or organization without the approval" of the school board. The Court of Appeals, First Circuit, held that "the rule was obviously devised for the quite different purposes of controlling in-school advertising or promotional efforts of organizations. More importantly, as sought to be applied to First Amendment activities, it is vague . . . and does not reflect any effort to minimize the adverse effect of prior restraint."[122]

Ruling on the question of preliminary injunctive relief, the court issued an order (without offering explanation for the various provisions of the order) that included a condition that "no advance approval shall be required of the content of any . . . paper. However, the principal may require that no paper be distributed unless, at the time the distribution commences, a copy thereof, with notice of where it is being and/or is to be distributed, be furnished him, in hand if possible."[123]

Almost two years later a federal district court in the First Circuit, citing the reasoning of the Second Circuit in *Eisner* and the Fifth Circuit in *Shanley*, expressly held that school authorities may exercise a reasonable prior restraint on the content of publications.[124] The court struck down a rule prohibiting the distribution of non-school-sponsored written materials in school buildings and on school grounds within 200 feet of school entrances. It said the rule in the instant case did not "facially lend itself to any limitation in terms of intent, time, place, and manner of distribution of literature . . . [and did] not reflect any effort on the part of the School Board to minimize the adverse effect of prior restraint."[125]

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[120] Jacobs v. Board of School Commissioners, 490 F.2d 601 (7th Cir. 1973), *cert. granted*, 94 S. Ct. 2638 (1974).

[121] *Id.* at 606.

[122] Riseman v. School Committee of City of Quincy, 439 F.2d 148, 149 (1st Cir. 1971).

[123] *Id.* at 149.

Solicitations and Sales

The context for this aspect of the area of publications has been set forth by the Court of Appeals, Seventh Circuit, as follows:

> We have little question of the legitimacy of the interest of the school authorities in limiting or prohibiting commercial activity on school premises by persons not connected with the school, either acting directly or through students as agents. But because students have First Amendment rights within the school, as recognized in *Tinker*, we think that the propriety of regulation of their conduct involving the exercise of protected rights must be independently justified. It is not enough to say that such activity by students is similar to commercial activity by others. Sale of [a] newspaper, or other communicative material within a school, is conduct mixing both speech and non-speech elements.[126]

In this case the court declared invalid a blanket rule against "exchange for money" of literature on school premises except for the benefit of the school. Students argued that the rule was adopted as an indirect means of suppressing their newspaper because they would not be able to publish without contributions received on school grounds. The court did not make a finding on the point, but held that, even assuming the rule was not so intended, it could not be squared with the Constitution because the goals of "good order and an educational atmosphere" could be achieved by rules governing time, place, and manner of distribution.

The same conclusion was reached by a federal district court in Nebraska.[127] School authorities in Lincoln attempted to bar a "counter-culture" newspaper distributed on a "free-or-donation" basis by unpaid volunteers, some of whom were not students. The board of education cited regulations about publications and commercialism (because the newspaper contained some advertisements for profit-making establishments and because the plea for donations was itself a commercial undertaking). The court pointed out that the school board permitted school newspapers to carry "at least three or four times" as much commercial advertising as the objected-to paper and that the board allowed direct solicitation of students for the Community Chest, March of Dimes, and Junior Red Cross. These inconsistencies displayed not only a failure of the board to be "even-handed," but suggested that the board was aware that commercialism and solicitations per se were not likely to interfere with educational endeavors.

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[124] Vail v. Board of Education of Portsmouth School District, 354 F. Supp. 592 (D.N.H. 1973).

[125] *Id.* at 598.

[126] Jacobs v. Board of School Commissioners, 490 F.2d 601, 608 (7th Cir. 1973), *cert. granted*, 94 S. Ct. 2638 (1974).

[127] Peterson v. Board of Education of School District No. 1 of Lincoln, Nebraska, 370 F. Supp. 1208 (D. Neb. 1973).

Under different facts and proof, the Second Circuit Court of Appeals sustained a half-century-old statewide regulation in New York barring "all solicitations of public school pupils."[128] The court accepted the reason for the rule—pressures upon students (75 to 100 requests for solicitations in 12 years in the defendant school district). The instant application of the rule was to forbid distribution of a leaflet asking for contributions to pay for the defense of the "Chicago Eight" (antiwar activists). A dissenting judge believed that the collection in this situation was integrally connected to the expression of opinion.

In North Carolina a policy against sales (except of supplies and student newspapers) was invoked to prevent the establishment of a club to sell newspapers of all viewpoints on public school property. A federal district court found that "the regulation complained of involves a commercial transaction rather than a constitutionally protected free expression"; therefore, the board had the power to enforce the ban.[129] There had been no attempt by school officials to prevent distribution of any papers on a free basis. (This decision was subsequently vacated by the Fourth Circuit Court of Appeals because the student had moved from the school district before the trial court's decision.)

DRESS AND APPEARANCE

Legal issues related to dress and appearance of students have mushroomed in recent years, with students and parents challenging attempts by school officials to regulate certain modes of dress or appearance. The overwhelming majority of cases have dealt with attempts to prohibit styles of dress or appearance, especially male hairstyles and beards.

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[128] Katz v. McAulay, 438 F.2d 1058 (2d Cir. 1971), *cert. denied*, 92 S. Ct. 930 (1972).

[129] Cloak v. Cody, 326 F. Supp. 391, 396 (M.D.N.C. 1971), *vacated* 449 F.2d 781 (4th Cir. 1971).

Prescribed Dress and Appearance

Rarely has the prescribing of specific dress been involved in appellate courts. However, one case met squarely the issue of the enforceability of a school board regulation that required boys attending a county agricultural high school to wear khaki uniforms on campus and in public places within five miles of the school.[130] Some students boarded at the school; others were day pupils.

The Supreme Court of Mississippi upheld the rule as applicable to the students who were boarding at the school because they were under the care and custody of the authorities for the term. However, the rule could be applied to day pupils only when they were actually in school or going to or from school. The board had argued that, because of local conditions, the regulation was necessary for the maintenance of discipline. This appears to be the only appellate case decided on substantive grounds on the point of prescribed dress for school attendance.

A more recent case involved a California school board's order that required female students at one high school to wear, four days a week, prescribed clothing as follows: "middy blouse with collar and tie, and a blue, black, or white skirt."[131] A girl ignored this rule and appeared at school "neatly and modestly dressed in a nonuniform blouse and skirt." She stated she would not wear the uniform because the regulation was "unreasonable and a violation of her constitutional rights." She did not claim religious or cost grounds. School officials suspended her. Suit was brought to prohibit the enforcement of the requirement and to reinstate the girl. The trial court ruled against the board, but on appeal that decision was reversed on procedural grounds. However, the appellate court noted that no evidence had been presented by the board as to conditions that might support the rule.

Prescription of elements of dress on specific occasions in the school must meet the test of reasonableness, with the burden of proof on the complainant. For example, a school board in Iowa required the wearing of a gown at graduation. Three girls who refused to wear the gown were prohibited by the board from participating in the ceremony and receiving their diplomas. The Supreme Court of Iowa ruled that the wearing of the cap and gown had no relation to educational values and that the diplomas, which had been withheld, must be awarded.[132] However, the court emphasized it was not questioning the practice of wearing caps and gowns. It was stated that the board may deny the right of a graduate to participate in the public ceremony of graduation unless a cap and gown is worn.

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[130] Jones v. Day, 127 Miss. 136, 89 So. 906 (1921).

[131] Noonan v. Green, 276 Cal. App. 2d 25, 80 Cal. Rptr. 513 (1969).

[132] Valentine v. Independent School District of Casey, 191 Iowa 1100, 183 N.W. 434 (1921).

Prescriptions of student clothing for bona fide safety or health reasons can be enforced. Safety considerations clearly would cover the requirement of such items as goggles for welding and helmets for football. Caps or nets on long hair in swimming pools or cooking classes may be justified as health measures.

The Supreme Court of Alabama dealt at length with the matter of prescribed clothing in physical education in a case where a girl was suspended from high school because she refused to participate in the required physical education class.[133] Her refusal was directed against the uniform to be worn for the exercises, which she contended was "immodest and sinful." She was supported by her father, who did not wish her even to be in the presence of the teacher and other pupils wearing the outfit.

The school officials stated they would permit the girl to dress in a manner she considered suitable and would allow her not to partake in any exercise that required clothing she or her parents thought immodest. However, her father did not want her to attend the class at all.

The court ruled that the girl must participate in the physical education class under the modified circumstances allowed by the school officials. The court believed appropriate concessions had been made by the school authorities. It rejected the parent's claim that, out of respect for the girl's religious beliefs, she should be placed in a special class for students who shared her beliefs so she would not stand out as a "speckled bird" in the regular class.

Some school "dress codes" are worded positively (prescriptions) and some negatively (proscriptions). Regardless of the grammar of these codes, cases that have reached the level of court cited in this treatise have involved the key question whether a student may be punished, usually by exclusion, if his appearance does not conform to the code. These cases are treated in sections immediately following.

Prohibited Dress and Appearance

For well over three decades before 1965 no case reached a federal or an appellate state court in which the decided issue was the right of a school board to restrict the dress of a student as a condition for attending school. Beginning in 1965, however, a continuing rash of cases on this point has appeared. Indeed, there are very few, if any, areas in school law in which so many cases dealing with the same subject have been handled by so many courts in so short a period of time.

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[133] Mitchell v. McCall, 273 Ala. 604, 143 So. 2d 629 (1962).

A frequently cited "old" case is a 1923 decision of the Supreme Court of Arkansas.[134] At issue was this board rule: "The wearing of transparent hosiery, low-necked dresses, or any style of clothing tending toward immodesty in dress, or the use of face paint or cosmetics, is prohibited." A girl who failed to obey the rule was denied admission.

In upholding the board's power to establish the rule, the court said it "must uphold the rule unless we find that the directors have clearly abused their discretion, and that the rule is not one reasonably calculated to effect the purpose intended, that is, of promoting discipline in the school."[135] The court commented that whether it would have made the rule were it in control of the district was not the question. Nor did the court find it necessary to determine that the rule was "essential to the maintenance of discipline."

The court stated that it had more important functions to perform than that of hearing the "complaints of disaffected pupils" of the public schools against rules and regulations promulgated by the school boards for the government of the schools. Nevertheless, the court recognized that the reasonableness of such a rule is a judicial question. It also noted, however, that "the directors are elected by the patrons of the schools over which they preside . . . [and] are in close and intimate touch with the affairs of their respective districts, and know the conditions with which they have to deal."[136] The court added:

> In the discharge of the duty here imposed upon us it is proper for us to consider whether the rule involves any element of oppression or humiliation to the pupil, and what consumption of time or expenditure of money is required to comply with it. It does not appear unreasonable in any of these respects. Upon the contrary, we have a rule which imposes no affirmative duty, and no showing was made, or attempted, that the talcum powder possessed any medicinal properties, or was used otherwise than as a cosmetic.[137]

This case was cited by the United States Supreme Court in 1969 in the *Tinker* armband case. The Court noted that *Tinker* was not a case involving this type of school board regulation.

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[134] Pugsley v. Sellmeyer, 158 Ark. 247, 250 S.W. 538 (1923).
[135] *Id.* at 539.
[136] *Id.*
[137] *Id.* at 539-40.

In 1931 the Supreme Court of North Dakota held that a board of education had the power to forbid pupils from wearing metal heel plates in school.[138] The justification for the rule was that the floors were being damaged and a disturbance created by the noise of the heel plates. The parents' claim of the right to determine the clothing to be worn to school by their children was held to have to give way to the public interest in "the conservation of school property" and the maintenance of good order and discipline in the school.

In 1934 the Supreme Judicial Court of Massachusetts sustained a school board's enforcement of a rule that, though aimed primarily at membership in secret societies, barred the wearing of insignia and apparel of such societies on school premises.[139]

The first published decision specifically on the wearing of slacks by girls was one decided by a New York trial court in 1969.[140] Contested was a regulation prohibiting slacks except if permitted by the principal between December 1 and March 31 on petition by the student council when warranted by cold or inclement weather. A girl pupil who had been punished by detention for wearing slacks sought an injunction against enforcing the entire dress code, including the section on slacks. Although the court refused to annul the whole dress code, it ruled that the board had no power to enforce the specific rule. It reasoned:

> The simple facts that [the rule] applies only to female students and makes no differentiation as to the kind of slacks . . . make evident that what is being enforced is style or taste and not safety, order, or discipline. A regulation against the wearing of bell-bottomed slacks by students, male or female, who ride bicycles to school can probably be justified in the interest of safety, as can, in the interest of discipline, a regulation against slacks that are so skintight and, therefore, revealing as to provoke or distract students of the opposite sex, and, in the interest of order, a regulation against slacks to the bottoms of which small bells have been attached.[141]

A federal district court in New Hampshire has held that a blanket prohibition against the wearing of dungarees is unconstitutional.[142] Taking heed of the position of the First Circuit in *Richards (infra)* in regard to student hairstyles, the court said that the Circuit's reasoning should encompass a person's right to wear clothes of his own choosing. One parent had testified that she had sent her son to school in blue jeans because she could not afford to buy him a pair of dress pants; however, the plaintiff in the case did not raise the question of financial means. The court noted that, "on the scale of values of constitutional liberties, the right to wear clean blue jeans to school is not very high." Nevertheless, the court stated it had "considerable difficulty accepting" the view of the principal and the chairman of the board that wearing work or play clothes undermines the education process because students tend to become "lax and indifferent."

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[138] Stromberg v. French, 60 N.D. 750, 236 N.W. 477 (1931).
[139] Antell v. Stokes, 287 Mass. 103, 191 N.E. 407 (1934).
[140] Scott v. Board of Education, 61 Misc. 2d 333, 305 N.Y.S.2d 601 (1969).
[141] *Id.* at 606.
[142] Bannister v. Paradis, 316 F. Supp. 185 (D.N.H. 1970).

The court particularly noted that no evidence was presented as to the type of dress worn by pupils in other schools and that the only expert testimony to the deleterious effect of the proscribed clothing was offered by the principal. The court declined to consider the president of the board qualified as an expert in the field of education and teaching. (He was an airline pilot who had expressed the view that the type of school dress worn by students in California was sloppy and that California high school students had poor academic records.) The court commented:

> We realize that a school board can, and must, for its own preservation exclude persons who are unsanitary, obscenely or scantily clad. Good hygiene and the health of the other pupils require that dirty clothes of any nature, whether they be dress clothes or dungarees, should be prohibited. Nor does the Court see anything unconstitutional in a school board prohibiting scantily clad students because it is obvious that the lack of proper covering, particularly with female students, might tend to distract other pupils and be disruptive of the educational process and school discipline.[143]

In a federal case in Texas, ultimately not decided on the merits under the doctrine of abstention, the court found "not invalid on its face" a rule forbidding girls to wear "any type trouser garment."[144] In this case the girl involved had worn a pantsuit and had participated in a "walk out" to convey opposition to and disapproval of the school dress code. More recently the highest court of Kentucky said that a dress code provision prohibiting girls from wearing jeans raised "no issue of constitutional dimensions."[145]

A rather detailed examination of some elements of a dress code was made by a United States district court in Arkansas.[146] The court said it thought the standard of review prescribed for hairstyles by the Eighth Circuit Court of Appeals *(infra)* was applicable to "dress" provisions as well. "It is, therefore, concluded that students have a constitutional right to govern their personal appearance, with respect to their clothing or apparel, subject to the right of the school authorities to establish those regulations which are necessary in order to carry out the educational mission of the school."[147] But "the restriction upon one's freedom is not as great or obvious or dramatic, overall, as a result of dress regulations as it is as a result of hair regulations."[148]

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[143] *Id.* at 188-89.

[144] Press v. Pasadena Independent School District, 326 F. Supp. 550 (S.D. Tex. 1971).

[145] Dunkerson v. Russell, 502 S.W.2d 64 (Ky. 1973).

[146] Wallace v. Ford, 346 F. Supp. 156 (E.D. Ark. 1972).

The court found unnecessary to carry out the educational mission of the school "such a rigidly drawn, arbitrary, and, in part, overly broad regulation" as the following:

> Dresses, skirts and blouses, dress slacks and blouses or pant suits may be worn. No divided skirts or dresses; no jeans or shorts may be worn. Blouses that are straight around the bottom may be worn outside the skirt or slacks. We will allow jeans that are made for girls to be worn providing: If the jeans open in front, a tunic or square-tailed blouse must be worn to conceal the opening. If the jeans open on the side, then an ordinary length blouse may be worn.[149]

On the question of length of skirts or dresses, the court found that a fixed length above the knee was sustainable (in relation to the legitimate objective of prohibiting immodest clothing in the school), whereas a fixed length beneath the knee was not. One factor in reaching the latter conclusion was that the restriction on length below the knee was not placed on coats. A second was that testimony indicated the primary reason for adopting the regulation was prohibition of what the school officials termed "bizarre" or unusual clothing. On another point, the court found that a rule prohibiting "excessively tight skirts or pants" was valid because it was related to the legitimate objective of prohibiting "immodest or suggestive clothing" and was not too vague or indefinite in the school context.

Held invalid were regulations that "shirt tails, unless the tail is straight and hemmed, will be worn inside the pants," "no frayed trousers or jeans will be allowed," "no tie-dyed clothing will be worn," and "socks are required at all times." The last-mentioned rule had applied only to boys.

The Supreme Court of Idaho, which previously had decided by a vote of three-to-two that school boards could not enforce general regulations regarding student hairstyles,[150] extended that holding to invalidate a dress code requiring female students to wear dresses or skirts not more than two inches above the knee.[151] Some students who wore "well tailored and neat" slacks or pantsuits were not permitted to remain in school in that garb.

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[147] *Id.* at 161-62.
[148] *Id.* at 162.
[149] *Id.* at 163.
[150] Murphy v. Pocatello School District No. 25, 94 Idaho 32, 480 P.2d 878 (1971).

The trial court, after hearing numerous witnesses who gave conflicting testimony as to the effects of girls wearing culottes, pantsuits, or slacks in school, ruled for the plaintiffs. It determined that such apparel was "not necessarily disruptive of school discipline or the instructional effectiveness of the school, and had no detrimental effect on the safety or morals of the students attending the school."[152] The appellate court held that, although the evidence was conflicting, there was enough competent evidence to support the lower court's findings and that therefore the judgment would be upheld.

Hairstyles

By mid-1974 the number of officially reported cases involving male hairstyles (on the head and/or face) in public schools reached the magnitude of 150. A substantial majority of the cases have been decided in federal courts. Many have sought injunctive relief under "Section 1983," and a substantial percentage of the preliminary injunction cases were not decided on the merits.

No reliable trend in decisions for or against school boards is discernible over the period. It is very important to observe, however, that courts during this period have accepted jurisdiction and have inquired into the reasons for the rules. The closeness of the scrutiny of the rules by the courts as a whole has markedly increased, clearly as part of the evolution affecting all governmental activities impinging on individual rights. The Supreme Court, however, has consistently declined to review cases involving hairstyles despite the fact that the circuits are in disagreement on the constitutional aspects of some of the cases.

The Supreme Court's attitude was presaged in 1969 in *Tinker*, where the Court expressly pointed out that "the problem presented by [*Tinker*] does not relate to regulation of the length of skirts or the type of clothing, to hair style or deportment."[153] The Court then cited two cases, a Fifth Circuit hairstyle case on which the Court had denied certiorari a few months earlier[154] and a 1923 decision in a dress case by the Supreme Court of Arkansas.[155] Both cases had been decided against the students.

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[151] Johnson v. Joint School District No. 60, Bingham County, 508 P.2d 547 (Idaho 1973).

[152] *Id.* at 548.

[153] Tinker v. Des Moines Independent Community School District, 393 U.S. 503, 89 S.Ct. 733, 737 (1969).

[154] Ferrell v. Dallas Independent School District, 392 F.2d 697 (5th Cir. 1968), *cert. denied*, 89 S.Ct. 98 (1968).

At this writing the circuits continue to be in basic disagreement regarding the disposition of hairstyle cases. The Fifth, Sixth, Ninth, and Tenth Circuits have supported the validity of such rules in general, whereas the First, Fourth, Seventh, and Eighth Circuits have not.[156] The Third Circuit seems to have moved to the latter position.[157] Several of the decisions were by votes of two to one.

The first cases. The first appellate court decision on the question of control of student hairstyle was rendered by the highest state court of Massachusetts in 1965.[158] There the court took the traditional view that it neeeded "only to perceive some rational basis for the rule requiring acceptable haircuts in order to sustain its validity. Conversely, only if convinced that the regulation of pupils' hair styles and lengths could have no reasonable connection with the successful operation of a public school could we hold otherwise."[159] The court stated that "conspicuous departures from accepted customs in the matter of haircuts could result in distraction of other pupils."[160] The court rejected the claim that the domain of family privacy was improperly invaded and was unimpressed by evidence that the student had been a "professional musician" and had performed at the Newport Jazz Festival, the New York World's Fair, and other places.

The first case dealing with hairstyles to be decided by a United States court of appeals arose in Texas.[161] A group of high school students had formed a musical group, signed a contract with an agent, and insisted that they were under contract with the agent to maintain their dress and personal appearance, including a so-called "Beatle" type hairstyle. On the opening day of school the students were denied admission to the school because of their hairstyle.

The principal testified the boys' long hair caused trouble and commotion, led to obscene remarks, attracted attention, and disrupted the classroom. He stated that, though he had not ruled out long hair completely, he did not accept the extreme "Beatle" style. He further testified that the agent of the boys had called him at home, inquired whether the boys would be admitted, and indicated he had $4,000 invested in them and was willing to invest another $1,000. Additional testimony revealed that immediately after being refused admittance the boys had gone to a local recording studio and recorded a song that contained lyrics referring to the incident of being refused admission by the principal. Copies of the record were produced and distributed by the agent to various radio stations in the area, and the record was played on the air.

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[155] Pugsley v. Sellmeyer, 158 Ark. 247, 250 S.W. 538 (1923).

[156] The leading cases are: (supporting the regulations) Ferrell v. Dallas Independent School District, 392 F.2d 697 (5th Cir. 1968); Jackson v. Dorrier, 424 F.2d 213 (6th Cir. 1970); King v. Saddleback Junior College District, 445 F.2d 932 (9th Cir. 1971); Freeman v. Flake, 448 F.2d 258 (10th Cir. 1971); (striking down the regulations) Richards v. Thurston, 424 F.2d 1281 (1st Cir. 1970); Massie v. Henry, 455 F.2d 779 (4th Cir. 1972); Breen v. Kahl, 419 F.2d 1034 (7th Cir. 1969); Bishop v. Colaw, 450 F.2d 1069 (8th Cir. 1971).

[157] *Cf.* Stull v. School Board of Western Beaver Junior-Senior High School, 459 F.2d 339 (3d Cir. 1972), and Gere v. Stanley, 453 F.2d 205 (3d Cir. 1971).

[158] Leonard v. School Committee of Attleboro, 349 Mass. 704, 212 N.E.2d 468 (1965).

[159] *Id.* at 472.

[160] *Id.*

[161] Ferrell v. Dallas Independent School District, 392 F.2d 697 (5th Cir. 1968), *cert. denied*, 89 S. Ct. 98 (1968).

The Court of Appeals for the Fifth Circuit upheld the school board by a two-to-one vote. The Supreme Court denied certiorari a few months before it decided *Tinker*, in which it expressly distinguished the case from *Tinker*. The opinion of the court of appeals included the following:

> In view of the testimony of [the principal] as to the various problems which arise in the school due to the wearing of long hair by members of the student body and the testimony of certain students that their hair style had indeed created some problems during school hours, we cannot say that the requirement that appellants trim their hair as a prerequisite to enrollment is arbitrary, unreasonable or an abuse of discretion. Therefore, the school regulation as promulgated by the principal, banning long hair, is not violative of the state constitution or statutes. . . .
>
> The [United States] Constitution does not establish an absolute right to free expression of ideas, though some might disagree. The constitutional right to free exercise of speech, press, assembly, and religion may be infringed by the state if there are compelling reasons to do so. The compelling reason for the state infringement with which we deal is obvious. The interest of the state in maintaining an effective and efficient school system is of paramount importance. That which so interferes or hinders the state in providing the best education possible for its people, must be eliminated or circumscribed as needed. This is true even when that which is condemned is the exercise of a constitutionally protected right.[162]

The first modern appellate state court decision against a school board's hairstyle policy was rendered in California.[163] A student had been excluded from school under a dress policy that provided "extremes of hair styles are not acceptable." In this case the student did not assert he had the right to disobey rules directed to his hair. The rule was attacked on the ground of unconstitutional vagueness because the expression "extremes of hair styles" was not clarified in the rules or in their application.

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[162] *Id.* at 702-03.

[163] Meyers v. Arcata Union High School District, 269 Cal. App. 2d 549, 75 Cal. Rptr. 68 (1969).

The court found substantial evidence that long hair on male students had had a disruptive effect at the high school and that the public had an obvious interest in an undistracted educational process at the school. However, the court observed that because the inhibition of hairstyles restrains freedom of expression "the standards of permissible statutory vagueness are strict and government may regulate 'only with narrow specificity.' . . . 'Extremes of hair styles' . . . are not facts: whether a given style is 'extreme' or not is a matter of opinion, and the definitive opinion here rested in the sole—and neither controlled nor guided--judgment of a single school official."[164]

The court pointed out that the importance of an education to a child is substantial; therefore, the state cannot condition the availability of education on the child's compliance with an unconstitutionally vague standard of conduct. However, the court stated that the governing board could exercise its statutory rule-making power to adopt clear rules covering aspects of student dress and appearance having an adverse effect on the educational process at the school. Thus the court was not in conflict with a prior California appellate decision upholding a ban on beards on the ground of their being a disruptive influence on the educational process.[165]

The first federal appellate court to rule against school authorities was the Court of Appeals, Seventh Circuit.[166] The vote was two to one to invalidate the following regulation:

> Hair should be washed, combed and worn so it does not hang below the collar line in the back, over the ears on the side and must be above the eyebrows. Boys should be clean shaven; long sideburns are out.

The plaintiffs were two male high school students with long hair who were barred from attending school until their appearance conformed to the rule.

In the trial before the district court, the school board contended that the regulation was valid and that to allow students not to respect board regulations would be improper for a court. The board argued that failure to obey a regulation is a cause of disruption and that judicial interference with the board's authority would only intensify such disruption. Furthermore, it asserted that learning to respect authority is a part of students' education.

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[164] *Id.* at 74.

[165] Akin v. Board of Education, 262 Cal. App. 2d 161, 68 Cal. Rptr. 557 (1968), *cert. denied*, 89 S. Ct. 668 (1969).

[166] Breen v. Kahl, 419 F.2d 1034 (7th Cir. 1969), *cert. denied*, 90 S. Ct. 1836 (1970).

The district court gave great weight to the lack of evidence in support of the school board's assertions:

> With respect to the "distraction" factor, the showing in this record consists of expressions of opinion by several educational administrators that an abnormal appearance of one student distracts others. There is no direct testimony that such distraction has occurred. There has been no offer of the results of any empirical studies on the subject by educators, psychologists, psychiatrists, or other experts. . . . From the testimony of the educational administrators, it appears that the absence of such amplification is not accidental; it arises from the absence of factual data which might provide the amplification.
>
> With respect to the "comparative performance" factor, this record is equally barren. . . . No hard facts are adduced even from a limited sample to demonstrate that the academic performance of male students with long hair is inferior to that of male students with short hair, or that the former are less active or less effective in extra-curricular activities.[167]

The court concluded that the school officials had "fallen far short" of bearing the "substantial burden of justification" required for a rule or statute "which rudely invades . . . a highly protected freedom." It ordered the students reinstated, with any notation of disciplinary action to be expunged from their records.

The opinion of the court of appeals stated, "The right to wear one's hair at any length or in any desired manner is an ingredient of personal freedom protected by the United States Constitution."[168] Without precisely clarifying the derivation of the right, the court said that it "clearly exists" and is applicable to the states through the due process clause of the Fourteenth Amendment. This being so, to limit or curtail the right, the state has a substantial burden of justification.

Avoiding a direct confrontation with the reasoning of the Fifth Circuit, the court said:

> The failure of [school authorities] to sustain any burden of substantial justification distinguishes the case at bar from the situation in [*Ferrell* (*supra*)] upon which the appellant School Board heavily relies. In *Ferrell*, the court in upholding the constitutionality of the school regulation found that wearing of long hair by students created disturbances and problems during school hours. . . . [I]n the case at bar there is no evidence of any disturbance created by the long hair of the students.[169]

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[167] Breen v. Kahl, 296 F. Supp. 702, 709 (W.D. Wis. 1969).

[168] Breen v. Kahl, 419 F.2d 1034, 1036 (7th Cir. 1969), *cert. denied*, 90 S. Ct. 1836 (1970).

[169] *Id.* at 1037.

Regarding the possibility of its decision having a potential adverse effect on discipline, the court observed:

> To uphold arbitrary school rules which "sharply implicate basic constitutional values" for the sake of some nebulous concept of school discipline is contrary to the principle that we are a government of laws which are passed pursuant to the United States Constitution.[170]

Federal Circuits generally supporting boards. Beginning with *Ferrell (supra)*, the Court of Appeals, Fifth Circuit, has decided more hairstyle cases than any other circuit. The matter apparently was finally resolved for that circuit in 1972 by an en banc vote of eight-to-seven.[171] In this decision the court said, "We hold that no such right ['to wear one's hair in a public high school in the length and style that suits the wearer'] is to be found within the plain meaning of the Constitution."[172]

The court then rejected the frequently advanced claim that the wearing of long hair is "symbolic speech by which the wearer conveys his individuality, his rejection of conventional values, and the like." The court said it was doubtful that long hair had sufficient communicative content to entitle it to the protection of the First Amendment. It stated that the wearing of long hair generally was simply a matter of personal taste or the result of peer-group influence. The court observed that in *Tinker* the Supreme Court had expressly differentiated the armbands in that case (which were "closely akin to 'pure speech'") from hairstyles.

Also rejected was an assertion that privacy of students was unconstitutionally invaded by hairstyle regulations. Concerning the contention that the right to wear hair at any length inheres in the liberty assurance of the due process clause of the Fourteenth Amendment, the court said, "It is our firm belief that this asserted freedom does not rise to the level of fundamental significance which would warrant our recognition of such a substantive constitutional right."[173]

As to the relationship of federal courts and schools, the court commented:

> Federal courts, and particularly those in this circuit, have unflinchingly intervened in the management of local school affairs where fundamental liberties, such as right to equal education, required vindication. At times that intervention has, of necessity, been on a

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170. *Id.*
171. Karr v. Schmidt, 460 F.2d 609 (5th Cir. 1972), *cert. denied*, 93 S. Ct. 307 (1972).
172. *Id.* at 613.
173. *Id.* at 615.

> massive scale. But in the grey areas where fundamental rights are not implicated, we think the wiser course is one of restraint.[174]

The court concluded with the following summation:

> Given the very minimal standard of judicial review to which these regulations are properly subject in the federal forum, we think it proper to announce a per se rule that such regulations are constitutionally valid. Henceforth, district courts need not hold an evidentiary hearing in cases of this nature. Where a complaint merely alleges the constitutional invalidity of a high school hair and grooming regulation, the district courts are directed to grant an immediate motion to dismiss for failure to state a claim for which relief can be granted.
>
> In conclusion, we emphasize that our decision today evinces not the slightest indifference to the personal rights asserted by Chesley Karr and other young people. Rather, it reflects recognition of the inescapable fact that neither the Constitution nor the federal judiciary it created were conceived to be keepers of the national conscience in every matter great and small. The regulations which impinge on our daily affairs are legion. Many of them are more intrusive and tenuous than the one involved here. The federal judiciary has urgent tasks to perform, and to be able to perform them we must recognize the physical impossibility that less than a thousand of us could ever enjoin a uniform concept of equal protection or due process on every American in every facet of his daily life.[175]

The Sixth Circuit has expressly rejected the claim that the reasonableness of a grooming rule should be judged only in relation to the activities of a particular student. It has held that "reasonableness is to be assessed in the context of the general purposes of the school itself."[176] In the case containing the view, the court expressly stated that it was reaffirming the principles set forth in the first Sixth Circuit hairstyle case,[177] which the Supreme Court had declined to review. In the earlier case it was found that two boys had flouted a hairstyle rule with consequent disruption of "classroom atmosphere and decorum" and the causing of "disturbances and distractions among other students and [interferences] with the educational process." Teachers and students had testified to this effect.

A district court in the sixth circuit decided a case involving a Michigan student who grew his hair long to express convictions regarding intolerance of dissent in the community and particularly intolerance for dissent regarding the Vietnam war.[178] The student believed that the outward appearance of conformity was a visible sign of inward conformity of thought to which he desired to register disagreement. The symbolism was in fact perceived by those at whom it was directed. There was evidence that the student's father independently had decided to allow his hair to grow for parallel reasons, that the student had attended antiwar rallies, and that the boy and his family had suffered abuse for their views.

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[174] *Id.* at 616.
[175] *Id.* at 617-18.
[176] Gfell v. Rickelman, 441 F.2d 444, 447 (6th Cir. 1971).
[177] Jackson v. Dorrier, 424 F.2d 213 (6th Cir. 1970), *cert. denied*, 91 S. Ct. 55 (1970).
[178] Church v. Board of Education of Saline Area School District, Michigan, 339 F. Supp. 538 (E.D. Mich. 1972).

The court found that the long hair was not a "mere whim" or attempt to "keep in tune with current fashion trends." Rather, there was "clear communicative intent," which distinguished the case from the hairstyle cases decided by the Sixth Circuit Court of Appeals. For this reason the district court ruled for the student.

The Ninth Circuit Court of Appeals has discussed the weight to be given testimony of well-qualified and experienced professional personnel who believe a deleterious effect on the education process is introduced by the wearing of certain types of natural or artificial adornment.[179] On that point the court said:

> . . . [T]he school district . . . presented affidavits of eleven teachers and administrators in the high school district whose disclosed experience ranges from two and one-half years to seventeen years. Each of these officials voices an opinion based upon his or her professional experience that extreme hair lengths of male students interferes with the educational process. Each of the opinions might be debated to some extent as was done by the trial court. The fact remains, however, that the affidavits are from trained professionals who are in day to day observation of their classrooms. While lawyers and judges may disagree, none of the affidavits is so inherently improbable that it is lacking in value as evidence.[180]

On the question of absence of disruption in the case at bar, the court held that the fact no disruption had occurred due to the hairstyles "does not establish that long-haired males cannot be a distracting influence which would interfere with the educative process the same as any extreme in appearance, dress, or deportment."[181]

In ruling for school authorities the court observed:

> This is not a question of preference for or against certain male hair styles or the length to which persons desire to wear their hair. This court could not care less. It is a question of the right of school authorities to develop a code of dress and conduct best conducive to the fulfillment of their responsibility to educate, and to do it without

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[179] King v. Saddleback Junior College District, 445 F.2d 932 (9th Cir. 1971), *cert. denied*, 92 S. Ct. 342 (1971).

[180] *Id.* at 939.

[181] *Id.* at 940.

> unconstitutionally infringing upon the rights of those who must live under it. We do not believe that the plaintiffs have established the existence of any substantial constitutional right which is in these two instances being infringed. We are satisfied that the school authorities have acted with consideration for the rights and feelings of their students and have enacted their codes, including the ones in question here, in the best interests of the educational process. A court might disagree with their professional judgment, but it should not take over the operation of their schools.[182]

The Court of Appeals, Tenth Circuit, has held that "complaints which are based on nothing more than school regulations of the length of a male student's hair do not 'directly and sharply implicate basic constitutional values' and are not cognizable in federal courts."[183] Dealing with the " 'liberty' assurance of the due process clause of the Fourteenth Amendment," which it considered to be "perhaps the strongest constitutional argument which can be made on behalf of the students," the court said that a regulation affecting this constitutional guarantee depends for validity on the reasonableness of the limitation placed on the regulated conduct. In the three cases that it had consolidated for the appeal, the court observed that "on surprisingly similar justifications" two federal district courts had upheld the regulation and one had held to the contrary. The court then stated:

> We doubt the applicability of the test of reasonableness in the determination of the nebulous constitutional rights here asserted. The issue should not turn on views of a federal judge relating to the wisdom or necessity of a school regulation controlling the length of hair worn by a male student in a state public school. . . .
> The states have a compelling interest in the education of their children. The states, acting through their school authorities and their courts, should determine what, if any, hair regulation is necessary to the management of their schools.[184]

In a subsequent case the Tenth Circuit declined to find the assertion of a religious issue by three Pawnee Indians sufficient basis for distinguishing the case from *Freeman*.[185] There had been conflicting testimony as to the significance of braided hair, parted in the middle, as an essential part of the religious and cultural tradition of the Pawnees. The court observed:

> Although no precise formula has been developed, the Courts have held that the Fourteenth Amendment permits the states a wide scope

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[182] *Id.*

[183] Freeman v. Flake, 448 F.2d 258, 262 (10th Cir. 1971), *cert. denied*, 92 S. Ct. 1292 (1972).

[184] *Id.* at 261.

[185] New Rider v. Board of Education of Independent School District No. 1, Oklahoma, 480 F.2d 693 (10th Cir. 1973), *cert. denied*, 94 S. Ct. 733 (1973).

> of discretion in enacting laws which affect some groups of citizens differently than others. The constitutional safeguard is offended only if the classification rests on grounds wholly irrelevant to the achievement of the states' objectives. . . .
>
> . . . Common sense dictates that some uniform regulations are necessary in order to maintain order, spirit, scholarship, pride and discipline in the operation of such a school system.[186]

The court expressed the view that the judiciary would create a "veritable quagmire" for school authorities if it were to require that no regulation impinge at all on any sincere belief held by a student.

Federal Circuits generally supporting students. Of the United States courts of appeals ruling in favor of students in hairstyle cases, the Seventh Circuit has gone further than others in giving constitutional weight to the claim of students to a right to wear their hair as they desire.[187] In 1970 the court reaffirmed what it had said first in *Breen (supra)*, that "the right to wear one's hair at any length or in any desired manner is an ingredient of personal freedom protected by the United States Constitution" and that school authorities must satisfy "a substantial burden of justification" in order to exclude a student for the sole reason of hair length.[188]

In this second hairstyle case to reach it, the court reversed a district court decision that the burden had been met by the school board. It found insufficient as evidence of disruption or interference with school activities the testimony of two teachers and an assistant superintendent. The teachers had claimed that the presence of the long-haired student had caused some commotion and strain in teacher-student relations and that the student experienced difficulty in obtaining a microscope partner because of the length of his hair. The assistant superintendent had testified that long hair worn by a male student is inherently distracting to other students. In the words of the court, "We think that opinion evidence such as that offered by [the assistant superintendent] often reflects only a personal view of the propriety of long hair and, in the absence of factual support, adds little in satisfying defendants' burden."[189] The court added the observation that long-haired students should not be punished for disruption unless the school officials have actively tried and failed to silence those persons who actually engaged in disruptive conduct.

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[186] *Id.* at 699.

[187] In 1974 this court seemed to believe it had overextended the "magnitude" of the right to appear as one pleases. *See* Miller v. School District Number 167, Cook County, Illinois, 495 F.2d 658, 663-64 (7th Cir. 1974). However, the holdings in *student* hairstyle cases were reaffirmed later in 1974 in Holsapple v. Woods, 500 F.2d 49(7th Cir. 1974).

[188] Crews v. Cloncs, 432 F.2d 1259 (7th Cir. 1970).

[189] *Id.* at 1265.

The board also had offered health and safety reasons to justify the rule. Testimony was given by the chairman of the physical education department that long hair may impair the vision of students engaged in certain sports, that long hair could "get caught" when students are using the trampoline, and that those with long hair would be forced to go to class with wet hair after a shower following gym class. Another teacher testified that long hair creates significant danger when bunsen burners are in use. The court responded that health and safety objectives could be achieved through narrower rules directed specifically at the problems created by long hair, for example, shower caps and hair nets in laboratories.

"Since fundamental rights are involved, we believe that defendants are required to employ narrow rules suggested by their testimony and to avoid infringement of plaintiff's rights to an extent greater than is required by health and safety objectives."[190] The court also held that since girls were not required to cut their hair in order to attend classes there was a denial of equal protection to male students. "Despite the rationalizations offered by defendants, we believe that their action in excluding plaintiff from [the school] resulted primarily from a distaste for persons like plaintiff who do not conform to society's norms as perceived by defendants."[191]

Subsequently, the Seventh Circuit invalidated part of a dress code regulating the length and style of hair for male students where the code had been developed by a committee of students, teachers, and administrators.[192] Student committee members were elected by the student body, and the code had been adopted by a majority of the students. The court expressly rejected the idea that the code gained validity merely by the method of its development. A consent provision in the challenged regulation authorized noncompliance if a parent appeared before the school principal and gave written consent for the exception of his child. This consent provision was held not to save the code's constitutionality because it was considered an attempt to discourage the exercise of the student's right.

The First Circuit Court of Appeals, in upholding a student's right to wear his hair "falling loosely about the shoulders," based its holding on the "liberty" assurance of the Fourteenth Amendment.[193] It said that "'liberty' seems to us an incomplete protection if it encompasses only the right to do momentous acts, leaving the state free to interfere with those personal aspects of our lives which have no direct bearing on the ability of others to enjoy their liberty."[194] The court found no "outweighing state interest justifying the intrusion" of forcing one to cut his hair in order to attend school. Since hairstyles affect students twenty-four hours a day, regulations affecting hairstyles require more justification than do most other parts of grooming codes. The court concluded:

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[190] *Id.* at 1266.
[191] *Id.*
[192] Arnold v. Carpenter, 459 F.2d 939 (7th Cir. 1972).

> We do not believe that mere unattractiveness in the eyes of some parents, teachers or students, short of uncleanliness, can justify the proscription. Nor . . . does such compelled conformity to conventional standards of appearance seem a justifiable part of the educational process.[195]

The Eighth Circuit Court of Appeals, in the first case to reach it, held that the student plaintiff "possessed a constitutionally protected right to govern his personal appearance while attending public school."[196] Aligning itself with courts that had ruled for students on the question, it stated that "the common theme underlying decisions striking down hairstyle regulations is that the Constitution guarantees rights other than those specifically enumerated, and that the right to govern one's personal appearance is one of those guaranteed rights."[197] (Interestingly, one of the three First Circuit judges in *Richards (supra)* was sitting by designation as one of the three judges in this case.)

The court found "virtually no evidence in this record to support the school board's contention that the hair regulations are necessary to prevent disruptions."[198] The court believed two instances of actual disruption cited in the record were isolated and only tenuously related to long hair. Justifications relating to swimming pool sanitation and shop class safety did bear a rational relation to hairstyle, but the administration failed to show why these particular problems could not be solved by imposing less restrictive rules, such as requiring students to wear caps.

Expressly following the reasoning of *Breen, Crews, Richards,* and *Bishop* (all, *supra*) the Fourth Circuit Court of Appeals adopted the view that a general regulation controlling student hairstyles was not constitutionally supportable and that considerations of safety and health could be served with less restrictive measures aimed specifically at solving any hair problems unique to specific situations.[199] The court commented, "In short, we are inclined to think that faculty leadership in promoting and enforcing an attitude of tolerance rather than one of suppression or derision would obviate the relatively minor disruptions which have occurred."[200]

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[193] Richards v. Thurston, 424 F.2d 1281 (1st Cir. 1970).
[194] *Id.* at 1284-85.
[195] *Id.* at 1286.
[196] Bishop v. Colaw, 450 F.2d 1069, 1075 (8th Cir. 1971).
[197] *Id.*
[198] *Id.* at 1076.

Despite its above holding, the Fourth Circuit was obliged more than a year later to vacate the judgment of a district court that had failed to apply the holding to a "sparsely populated local community."[201] At about the same time it also ruled that a high school football player could not be denied his "letter" because he violated the coach's hairstyle rule after the football season was over.[202] "The doctrine of *Massie* is equally applicable to all school-controlled activities."[203]

The Third Circuit sustained school authorities in its first hairstyle case in 1971. In 1972, however, the court distinguished a case from its earlier holding and struck down a general proscription against long hair. The first decision supported a finding of justification for the rule because "the educational process at [the school] was disrupted during the 1969-1970 school year when students refused to sit near [the student plaintiff] in class because of the dirtiness of his hair and in the cafeteria because they were afraid that his habit of leaning down over his food, apparently dipping his hair into the food, and then throwing his hair back, would result in their being annoyed by the consequences."[204] The court further observed that although other regulations—such as requiring clean hair at all times—might have alleviated the problem, it was constrained not to substitute its judgment for that of the school board.

In the second case the court rejected the claim that long hair was bad for the educational environment.[205] It held a general hairstyle rule to be unenforceable, except possibly in shop classes, a point on which the lower court had not made findings.

State courts. Subsequent to the cases from Massachusetts and California discussed previously, state courts deciding hairstyle cases have followed the same nonparallel lines of reasoning as have federal courts, and they too have been divided as to results. A sampling of some points of law made in state court decisions follows.

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[199] Massie v. Henry, 455 F.2d 779 (4th Cir. 1972).
[200] *Id.* at 783.
[201] Mick v. Sullivan, 476 F.2d 973 (4th Cir. 1973).
[202] Long v. Zopp, 476 F.2d 180 (4th Cir. 1973).
[203] *Id.* at 181.
[204] Gere v. Stanley, 453 F.2d 205, 209-10 (3d Cir. 1971).
[205] Stull v. School Board of Western Beaver Junior-Senior High School, 459 F.2d 339 (3d Cir. 1972).

The Supreme Court of Kansas, in upholding a hairstyle rule, commented that the fact the regulation had been drafted by a committee of students, parents, teachers, administrators, and school board members and approved by the majority of all students did not make the regulation reasonable in a constitutional sense.[206] However, it did bear on the good faith of the board in adopting and enforcing the regulation.

The court further stated that learning "must be carried on in dignified and orderly surroundings if it is to be practiced satisfactorily. Obedience to duly constituted authority and respect for those in authority should be instilled in young people. . . . Careful recognition should be given to differences between what are reasonable restraints in the public classroom and what are reasonable restraints on a non-student on the public street corner."[207] The court added that "local problems in carrying out the educational mission may vary widely depending on the location of the district and the background of the people in that district."[208]

The Court of Appeals of Oregon expressly avoided any constitutional issue in deciding against school authorities who attempted to enforce a hair rule.[209] The court said that when the question is whether a school board has the power to adopt a rule in a certain area, the burden is on it to show that it has statutory authority to do so. The issue of burden of proof does not arise in this kind of situation as it does when validity of a rule in a legitimate area is questioned.

In the instant case the court found the board had no authority for the rule because it bore no reasonable relation to the proper operation of the schools. The court cited a similarly reasoned decision from an intermediate appellate court in Arizona. That approach, however, was subsequently vacated by the Supreme Court of Arizona, which found a contested dress code to be permissible on constitutional grounds. The supreme court stated that courts should not "attempt to decide in the first instance questions which have been delegated to duly elected and legally constituted local governmental officers . . . [unless there is] a clear violation of . . . constitutionally protected rights."[210]

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[206] Blaine v. Board of Education of Haysville Unified School District No. 261, 210 Kan. 560, 502 P.2d 693 (1972).
[207] *Id.* at 701.
[208] *Id.* at 702.
[209] Neuhaus v. Frederico, 505 P.2d 939 (Ore. App. 1973).

It is not to be assumed that state courts will follow the lead of the federal court of appeals for the circuit in which they are located. After the Ninth Circuit held that hairstyles are not protected by the federal Constitution, the Supreme Court of Alaska ruled that control of one's hair was protected by the state constitution and that only a compelling state interest would sustain a school board rule on the subject.[211] It found the evidence offered for the rule to be inadequate to meet the state constitutional standard.

Expressly rejecting both the Eighth Circuit's reasoning regarding student hairstyles and its authority over Missouri courts, the Supreme Court of Missouri has stated that there is no substantial constitutional right involved in student hairstyle cases.[212] It said that a trial court had erred in considering itself bound by the Eighth Circuit's pronouncement to the contrary. The case at bar was moot, but the court said future cases should be decided in line with Missouri precedents as to the discretionary power of local school boards to control student conduct.

Rules for specific activities. Where school boards attempt to enforce a hairstyle rule as a prerequisite to participation in a specific activity, the courts examine closely the relationship of the long hair to that activity. If safety or health is truly a reason, the courts are in agreement that something may (in some cases *must*) be done by school authorities. However, whether long hair must be cut, or whether some less drastic alternative (for example, wearing a hair net or washing the hair) will suffice is a question resolved differently by different courts.

On the general question of short hair for athletes the divergence of judicial outcomes persists. One should note, however, that frequently differences in result are related to the wordings of rules, to the particular sports involved, and/or to the quality of evidence presented by the school authorities to support the rules.

A United States district court in California upheld a board of education's enforcement of a grooming regulation including a provision that all "athletes" be clean-shaven and hair "be out of the eyes, trimmed above the ears and above the collar in the back."[213]

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[210] Pendley v. Mingus Union High School District No. 4 of Yavapai County, 109 Ariz. 18, 504 P.2d 919, 926 (1972).

[211] Breese v. Smith, 501 P.2d 159 (Alas. 1972).

[212] Kraus v. Board of Education of City of Jennings, 492 S.W.2d 783 (Mo. 1973).

[213] Neuhaus v. Torrey, 310 F. Supp. 192 (N.D. Cal. 1970).

The court found convincing the testimony offered by coaches and others to demonstrate not only that long hair could interfere with performance in certain sports, but "that athletic programs provide a unique form for the development of discipline, individual sacrifice and teamwork not available in other school programs."[214] On the question of morale as a basis for enforcing a dress code the court said that although there were divergent views, "the several coaches called by the defendants considered the enforcement of such regulations as legitimate means of building team morale, discipline and team spirit."[215]

The court stated it was "particularly important" to observe that the rule had long been in effect, that recently it had been reaffirmed by the school board after thorough consideration involving "the community, the educators, coaches, students, and administrators," and that it was not an instance of imposing discipline for the sake of discipline and conformity alone.

A United States district court in Vermont took a different view in regard to such a provision in an athletic code.[216] Plaintiff students desired to play on the tennis team. The court found:

> There is no credible evidence in this case that hair length affects the performance of the tennis players at any competitive level. The tennis coach himself indicated that headbands could be and are worn to keep hair and perspiration out of the competitor's eyes. The evidence made it clear that a long haired player with a headband was not at a competitive disadvantage vis-a-vis a player with close cropped hair. In short, the record is barren of any evidence that long hair is a handicap to performance in the sport of tennis.
>
> There is no credible evidence that long hair on an athletic team of any kind creates dissension among the team members. In fact, the evidence is that the tennis team involved in this case was free from dissension before the plaintiffs were excluded from participation.[217]

While observing that training and health rules must be obeyed, that conduct at practice sessions must be in "precise conformity with schedules and objectives," and that during competition the coach's instructions "must be accepted without question," the court rejected the argument that conformity and uniformity were essential elements in the maintenance of a high school athletic program.

Where hairstyle or other appearance deviations substantially interefere with the rights of others, school authorities can intervene.

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214. *Id.* at 194.
215. *Id.*
216. Dunham v. Pulsifer, 312 F. Supp. 411 (D. Vt. 1970).
217. *Id.* at 419.

Thus, beards and long hair on students at a vocational school could be barred in order to create a positive image of the school in the eyes of potential employers who came on campus to recruit.[218] Furthering job opportunities for graduates meets the test of a state interest sufficient to support the rule. Nothing was in the record to impugn the good faith of school authorities in promulgating the hair code. The court stated:

> . . . [T]he record amply supports the joint judgment of the students, the faculty and the administration that beards and long hair styles are prejudicial to effective job opportunities in industry and that the economic welfare of the students is best served by the restraints imposed by the code. . . . The necessity of this regulation is shown by the concrete and specific testimony of the Dean of Students as to the attitude of industry representatives with whom he had had wide contacts. . . .
>
> In summary, because of the school's interest in advancing the economic welfare of its students, because the hair regulations are reasonably calculated to further this interest, and because the regulations are grounded upon an adequate factual basis, the Court is satisfied that defendants have made a showing sufficient to sustain their substantial burden of justification.[219]

Where the facts were "very nearly similar to the facts of" this case, another case was similarly decided three years later.[220]

The authority of school boards to place some restrictions on hairstyles as a condition for participation in band activities has been judicially approved. In the words of a federal court in Arkansas:

> There is no evidence here that the school is trying to prevent plaintiff from protesting against the Vietnam war or against anything else, or that it is trying to punish him for his protest. The school authorities simply think that a member of the school band ought to conform to generally accepted norms as to hair length and styling and should be willing to make a choice between leaving the band, on the one hand, or conforming his or her hair to school requirements, on the other hand.[221]

It should be noted, however, that if long-haired females are allowed in the band, long-haired males cannot be excluded.[222]

A grooming regulation covering hairstyles that would be acceptable for participants in an optional postgraduation "diploma ceremony" has been sustained by the Tenth Circuit.[223] The trial court said that the case involved only the "narrow" question of whether the student, who had received the official certificate of graduation, had a right to attend the elective postgraduation ceremony "without complying with the reasonable dress and grooming requirements established for that and other extra-curricular activities and ceremonies."[224]

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[218] Farrell v. Smith, 310 F. Supp. 732 (D. Me. 1970).

[219] *Id.* at 738-39.

[220] Bishop v. Cermenaro, 355 F. Supp. 1269 (D. Mass. 1973).

[221] Corley v. Daunhauer, 312 F. Supp. 811, 815 (E.D. Ark. 1970).

[222] Cordova v. Chonko, 315 F. Supp. 953 (N.D. Ohio 1970).

[223] Christmas v. El Reno Board of Education, Independent School District No. 34, 449 F.2d 153 (10th Cir. 1971).

In holding for school authorities the court found the case to be "more nearly akin to cases where a student claims a right to play football or participate in a parade of a school band in violation of rules or without the proper band uniform and required grooming."[225] In these situations the court apparently believed school authorities were clearly empowered to act.

In a federal case arising in Iowa a school board offered as partial justification for a hairstyle rule being applied to a female student that the typing instructor was unable to see the student's eyes during class. On this point the court said, "While the Court [did] not doubt the pedagogical importance of eye observation in typing, the Court, as trier of fact, was totally unconvinced that such a problem actually existed in this case.[226]

SECRET SOCIETIES

State Statutes

The first appellate case that involved a state statute regulating secret societies in public schools was decided in California in 1912.[227] The enactment provided:

> From and after the passage of this act, it shall be unlawful for any pupil, enrolled as such in any elementary or secondary school of this state, to join or become a member of any secret fraternity, sorority or club, wholly or partly formed from the membership of pupils attending such public schools, or to take part in the organization or formation of any such fraternity, sorority or secret club; provided that nothing in this section shall be construed to prevent anyone subject to the provisions of the section from joining the order of the Native Sons of the Golden West, Native Daughters of the Golden West, Foresters of America or other kindred organizations not directly associated with the public schools of the state.[228]

Local boards were empowered to enforce the provisions of the act and were required to suspend or, if necessary, expel pupils who refused to comply.

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[224] Christmas v. El Reno Board of Education, Independent School District No. 34, 313 F. Supp. 618, 623 (W.D. Okla. 1970).

[225] *Id.*

[226] Sims v. Colfax Community School District, 307 F. Supp. 485, 489 (S.D. Iowa 1970).

[227] Bradford v. Board of Education of City and County of San Francisco, 18 Cal. App. 19, 121 P. 929 (1912).

[228] *Id.* at 930.

The statute was first attacked on the ground that it created an improper "immunity to certain pupils in the public schools of the state, viz., those in the normal schools," because only elementary and secondary schools came under the provision of the act. It was further contended that the statute granted a privilege and immunity to the groups named in the statute and thus constituted an unequal application of law.

The court held the classification "elementary and secondary schools" to be valid. Further, the court upheld the exception of certain groups because these organizations were not "directly associated with the public schools of the state": the distinction between groups directly associated with the public schools and those not was a constitutional one.

To the claim that the deprivation of a citizen's right to attend public school if he belonged to a barred society violated the Fourteenth Amendment, the court answered that those rights and privileges granted to citizens that depend solely on the laws of a state are not within this constitutional inhibition. The court said no person could lawfully demand to be admitted as a pupil to a public school merely because he is a citizen.

Although not directly involving the public schools, a decision by the United States Supreme Court three years later seemed to firmly establish the right of a state to prohibit membership in secret societies by students attending public educational institutions.[229] A rule forbidding membership in fraternities was unsuccessfully challenged by a student seeking admission to the University of Mississippi. The Court found that the control of the university was under the state of Mississippi and that "whether such membership makes against discipline was for the state of Mississippi to determine. . . . It is not for us to entertain conjectures in opposition to the views of the state, and annul its regulations upon disputable considerations of their wisdom or necessity.[230]

> It is very trite to say that the right to pursue happiness and exercise rights and liberty are subject in some degree to the limitations of the law, and the condition upon which the state of Mississippi offers the complainant free instruction in its University, that while a student there he renounce affiliation with a society which the state considers

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[229] Waugh v. Board of Trustees of the University of Mississippi, 237 U.S. 589, 35 S. Ct. 720 (1915).

[230] *Id.* at 723.

inimical to discipline, finds no prohibition in the 14th Amendment.[231]

Despite the *Waugh* decision, persistently through the years numerous cases have dealt with control of sororities and fraternities. All attacks on the validity of statutes have failed, even including a challenge to a Michigan statute that required suspension, expulsion, or withholding of credit and a diploma from anyone enrolled in a public school who was a member of a secret society.[232] In that case a high school senior who belonged to a fraternity was permitted by the board to remain in school but was denied credits essential to receiving a diploma. The student, aware of the penalty, elected to challenge the constitutionality of the statute. He was unsuccessful, the Supreme Court of Michigan following the *Waugh* reasoning as regards the Fourteenth Amendment, and, further, finding that because of his willful violation of the statute the penalty did not constitute a cruel or unusual punishment.

The United States Supreme Court in 1945 affirmed a lower court ruling that the State of Louisiana could enact a statute empowering local boards to suspend or expel members of secret societies.[233] In this case, however, the children involved were beyond the age of compulsory school attendance.

Some of the cases in this area warrant special attention because of judicial statements about particular contentions. The issue of the right of parental control was raised in a Florida case. However, the highest state court found the issue not relevant in its decision upholding the constitutionality of the statute.[234] It flatly stated, "We cannot see that the question of state versus parental control enters into the picture in any manner. The public school system has a very definite place in our scheme of things and the question in every case is whether or not the high school fraternity or sorority disrupts or materially interferes with that purpose."[235]

The Supreme Court of Oregon in 1952 discussed the issue of constitutional rights of pupils in a case involving a local board's rule established to implement a 1909 state statute.[236] The statute "declared unlawful" secret societies that may "exist among the pupils of any of the public schools" in the state, and made it "the duty of each school board" to "suppress all secret societies" of pupils. Boards were authorized to suspend or expel "all pupils who engage in the organization or maintenance of such societies."

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[231] *Id.*

[232] Steele v. Sexton, 253 Mich. 32, 234 N.W. 436 (1931).

[233] Hughes v. Caddo Parish School Board, 57 F. Supp. 508 (W.D. La. 1944), *aff'd*, 65 S. Ct. 562 (1945).

[234] Satan Fraternity v. Board of Public Instruction for Dade County, 156 Fla. 222, 22 So. 2d 892 (1945).

[235] *Id.* at 893.

[236] Burkitt v. School District No. 1, Multnomah County, 195 Or. 471, 246 P.2d 566 (1952).

After a period of loose enforcement, the local board adopted a series of rules to regulate the kinds of organizations that would be permitted to operate in the schools. One rule provided that any organization operating in a school must comprise only regularly enrolled students of that school. Thus, interschool clubs and those containing as members graduates or students who had dropped out of school would not be permitted. The validity of this rule was the principal question.

The court, in upholding school authorities, said:

> There is nothing in Rule 7, nor in any other of the rules adopted by the school board, which prevents the minor plaintiffs from assembling and associating freely at any time and place, outside of school hours, approved by their parents, with children from other high schools, public or private. This is their constitutional right. But they have no constitutional right to be members of clubs organized in the high schools, and composed of children attending different high schools, and which the school board may have substantial reason for believing to be inimical to the discipline and effective operation of the schools. . . . When they [the students] avail themselves of that opportunity [of public education] they must, in the nature of things, submit to the discipline of the schools and to regulations reasonably calculated to promote such discipline and the high purpose for which the schools are established—the education of youth, which is not limited to the imparting of knowledge, but includes as well the development of character and preparation for the assumption of the responsibilities of citizenship in a democracy. To attain these ends not the least in value of the lessons to be learned are the lessons of self-restraint, self-discipline, tolerance, and respect for duly constituted authority. In this regard parents and the schools have their respective rights and duties, which complement one another, and may be exercised and discharged in cooperation for the welfare of the child and the state.[237]

A similar point of view was taken a decade later by the Court of Appeals of Ohio.[238] At issue was a local board regulation that prohibited public school pupils who were members of secret societies from participating in "athletic, literary, military, musical, dramatic, service, scientific, scholastic, and other similar activities." Further, such students were not eligible for awards, student office, or the honor society. An anti-secret-society statute existed in the Ohio penal code, but the court commented that the statute was not necessary to the sustaining of the board's policy.

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[237] *Id.* at 578-79.

[238] Holroyd v. Eibling, 116 Ohio App. 440, 188 N.E.2d 797 (1962).

The meetings of some clubs prohibited by the rule were held in the homes of parents, not on school property. However, the court stated boards of education could act as did this board against any organizations having a deleterious influence on school operation. The court heeded the assertion of school authorities that the clubs had a divisive effect and created administrative problems. The argument that the rule denied parents the right to select associates for their children off school premises was not persuasive to the court. No "natural" or constitutional rights of parents or pupils were deemed violated.

Some suits have contested the applicability of anti-secret-society statutes to particular groups. This issue appeared in the previous case. The clubs in that case had essentially the attributes of secret societies—"rushing," pledges, initiations, pins, secret words, and membership only on approval of club members.

Whether a club was "secret" figured prominently in a ruling by the Court of Appeal of California.[239] In reversing the trial court, the higher court observed that the bylaws of the organization in question permitted only 20 girls throughout the entire Sacramento school system to be rushed during a semester. Names were proposed by letters of recommendation and each candidate had to be sponsored by three members, the only qualifications being that the girl must have reached ninth grade, have a "C" average, have read two books not prescribed as compulsory reading, and "not have been a member of a club of the nature of . . . [the club in question] within four years." Candidates were then selected by an admission committee of 16 girls in a process "so secret that the general membership [was] never apprised of those who comprise its membership."[240] The court described the ritual of the club and concluded the activities were sufficient to justify legally characterizing the club as secret.

Acting under a Texas statute barring secret societies in public schools, the board of education of Fort Worth adopted a regulation requiring parents of students in junior and senior high schools to sign an application for enrollment that included a certification that the student was not a member and would not become a member of a secret society. The test contained in the statute for what constitutes a secret society was that additional members from the pupils in the school were selected by decision of the membership rather than by free choice of any pupil who was qualified by the rules of the school to fill the special aims of the organization.

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[239] Robinson v. Sacramento City Unified School District, 245 Cal. App. 2d 278, 53 Cal. Rptr. 781 (1966).

[240] *Id.* at 786.

Both the statute and the rule were challenged as applied to a certain type of organization, locally called "charity clubs," members of which were chosen by boards of sponsors consisting in part of mothers of active members. The suit was unsuccessful in state courts and the Supreme Court denied certiorari.[241] The statute was found not to infringe rights of association of students or rights of parents to control their children. The charity clubs were found to be properly classified as secret societies, not in the category of Boy Scouts, Girl Reserves, Hi-Y, or Pan-American Clubs.

Local Board Regulations

The Supreme Court of Washington in 1906 decided the first appellate case regarding control by public school authorities of secret societies of pupils in the absence of a pertinent state statute.[242] The board of education in Seattle had adopted a rule prohibiting members of "Greek-letter Fraternities" from participating in extracurricular activities. Arguments similar to those that have been directed against state statutes were also directed against this local rule. These included contentions that fraternity members were "entitled to all the privileges of said high school," that they were "unjustly prohibited from belonging to" extracurricular clubs and teams and deprived of the "customary honors attending graduation," that the rules were "in excess of lawful authority," that there was "nothing objectionable in said fraternity," and that, since its meetings were held in the evening at homes of the members with the parents' consent, the students were then "under parental control."

The court learned from the evidence that the fraternity in the school was "a branch or chapter of a general organization having other chapters in various high schools throughout the country [and] that it [was] subordinate to a general or parent governing body." Particular notice was taken of a magazine published by the fraternity that included the following editorial comment: "The principal of the Seattle high school does not know what a fraternity is, or he would not attempt to enforce his proposed futile plans. It is simply a case of all educators not educated. Imagine the monarch that could prohibit a man from wearing a fraternity pin. . . . We hope that others will learn and save us the trouble of summoning our army of able attorneys, who are willing to defend us in the courts, and in doing so will make these uneducated beings feel their lack of knowledge with humiliation and chagrin at the expense of the poor unfortunates."[243] The court further observed that letters published in the magazine from members of the Seattle chapter and other chapters showed a "spirit of insubordination" against lawful school authority.

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[241] Passel v. Fort Worth Independent School District, 453 S.W.2d 888 (Tex. Civ. App. 1970), *cert. denied*, 91 S. Ct. 1667 (1971).

[242] Wayland v. Board of School Directors of School District No. 1, 43 Wash. 441, 86 P. 642 (1906).

The court then addressed itself to the question whether the board of education had authority to adopt the rule. In answering affirmatively, the court held that the forfeiting of "certain privileges which are no necessary part of the curriculum or class work" may be imposed on continuing members of the fraternity. The court expressed the opinion that "the board has not invaded the homes of any pupils, nor have they sought to interfere with parental custody and control,"[244] since the fraternities could continue to meet.

The court relied heavily on the testimony of the principal, who stated he had "found that membership in a fraternity has tended to lower the scholarship of the fraternity members." He also testified that "the general impression that one gets in dealing with them is one of less respect and obedience to teachers. It is found that there is a tendency toward the snobbish and patronizing air, not only toward the pupils, but toward the teachers; there is a certain contempt for school authority. . . . In dealing with these fraternity members, I have been assured more than once that they considered their obligation to their fraternity [and particularly the national aspect of it] greater than that to the school."[245]

One of the appellant's contentions was that the trial court had erred because the evidence did not sustain its finding that all active members of the fraternity were high school students. The present court, however, commented that the matter was immaterial.

Although the view that local boards have implied powers to regulate student membership in secret societies has been accepted to date by all courts, two cases require special attention.

The Court of Civil Appeals of Texas ruled on a point not involved in other cases.[246] It was that a rule barring fraternity members from participation in extracurricular activities may not be applied to such membership during vacation period.

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[243] *Id.* at 643.
[244] *Id.* at 644.
[245] *Id.*
[246] Wilson v. Abilene Independent School District, 190 S.W.2d 406 (Tex. Civ. App. 1945).

The only case in which school authorities were not upheld in their regulation of secret societies was decided against St. Louis school officials in 1922.[247] The Supreme Court of Missouri stated that the domain of the school ceased when the child reached his home unless his act was *such as to affect the conduct and discipline of the* school. The court found in this case that the evidence of the detrimental effect of fraternity membership on the operation of the school was not sufficient to sustain the rule.

MARRIAGE AND/OR PARENTHOOD

Many school boards have been involved in litigation arising from various types of rules and regulations related to married students, pregnant students, and students who have become parents. The basic question is, To what extent can school authorities deny or restrict the right to be instructed in the public schools that compulsory education statutes confer on persons of certain ages? Although some aspects of the area have long been judicially settled, new issues are being raised and the courts are reexamining some old positions.

Permanent Exclusion

The highest courts of Mississippi and Kansas in 1929 enunciated the rule that marriage is not an acceptable basis for permanently excluding from school an otherwise qualified person. No appellate court has disagreed with this fundamental proposition.

In the Mississippi case it was alleged that the rule excluding married pupils constituted an abuse of discretion by the board of education.[248] In defense of the rule the board argued that "the marriage relation brings about views of life which should [illegible]t be known to unmarried children [and] that a married child in the public schools will make known to its associates in the schools such views, which will therefore be detrimental to the welfare of the schools."[249] The court, in invalidating the rule, commented, "We fail to appreciate the force of the argument. Marriage is a domestic relation highly favored by the law. When the relation is entered into with correct motives, the effect upon the husband and wife is refining and elevating, rather than demoralizing. Pupils associating in school with a child occupying such a relation, it seems, would be benefited instead of harmed."[250]

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[247] Wright v. Board of Education of St. Louis, 295 Mo. 466, 246 S.W. 43 (1922).
[248] McLeod v. State *ex rel.* Colmer, 154 Miss. 468, 122 So. 737 (1929).
[249] *Id.* at 738.
[250] *Id.*

The Kansas case concerned a girl who as a sophomore had left school at the end of the first semester, though she had been promoted to the second semester.[251] When she attempted to return to school the following fall, she was informed she would not be allowed to attend because she was married. The girl had borne a child "not prematurely" less than six months after her marriage, and had since separated from her husband. Evidence was offered that, though the girl was still married, she associated with other men, and had "persuaded another girl sixteen years of age to accompany her to a public dance."

On the other hand, affidavits showed that the girl was of good moral character, that she had attended the dance in the company of her mother, and that one of the males with whom she was seen was her cousin. The court by a four-to-three margin concluded the evidence was insufficient to warrant the board's excluding the girl from school. It noted, however, that "the constitutional and statutory right of every child to attend the public schools is subject always to reasonable regulation, and a child who is of a licentious or immoral character may be refused admission."[252] It further stated:

> . . . [W]hile great care should be taken to preserve order and proper discipline, it is proper also to see that no one within school age should be denied the privilege of attending school unless it is clear that the public interest demands [it]. . . . It is the policy of the state to encourage the student to equip himself with a good education. The fact that the plaintiff's daughter desired to attend school was of itself an indication of character warranting favorable consideration.[253]

In 1969 a United States district court in Mississippi considered a policy under which unwed mothers of school age were excluded from the public schools.[254] The action was brought on behalf of all unwed mothers of school age. The essence of the complaint was that the policy violated the equal protection clause of the Fourteenth Amendment. The court agreed and invalidated the rule.

The court spoke of the importance of education to a person living in modern society. The plaintiffs presented evidence that unwed mothers allowed to continue their education are less likely to have a second illegitimate child. "In effect the opportunity to pursue their education gives them a hope for the future so that they are less likely to fall into the snare of repeat illegitimate births."[255] However, the court stated it was "aware of the [school authorities'] fear that the presence of unwed mothers in the schools will be a bad influence on the other students vis-a-vis their presence indicating society's approval or acquiescence in the illegitimate births or vis-a-vis the association of the unwed mother with the other students."[256] The court then differentiated between the situation of an unwed pregnant girl and that of an unwed mother:

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[251] Nutt v. Board of Education of Goodland, 128 Kan. 507, 278 P. 1065 (1929).

[252] *Id.* at 1066.

[253] *Id.*

[254] Perry v. Grenada Municipal Separate School District, 300 F. Supp. 748 (N.D. Miss. 1969).

> The Court can understand and appreciate the effect which the presence of an unwed pregnant girl may have on other students in a school. Yet after the girl has the baby and has the opportunity to realize her wrong and rehabilitate herself, it seems patently unreasonable that she should not have the opportunity to go before some administrative body of the school and seek readmission on the basis of her changed moral and physical condition. . . .
>
> . . . But after the girl has the child, she should have the opportunity for applying for readmission and demonstrating to the school that she is qualified to continue her education. The continued exclusion of a girl without a hearing or some other opportunity to demonstrate her qualification for readmission serves no useful purpose and works an obvious hardship on the individual.[257]

The court emphasized that an inquiry should be made into each case and added that it "would like to make manifestly clear that lack of moral character is certainly a reason for excluding a child from public education.[258]

Over two and a half years later the same court restated the principle that a girl cannot be excluded from school for the sole reason that she is an unwed mother.[259] In this case the court awarded attorney's fees to the plaintiff student because of the "arbitrary" action of the board.

Exclusion with Alternative Opportunities

Sometimes when a student is excluded from regular public school, he may be provided with alternative facilities for obtaining education. In an Ohio case, for example, a board rule required that a girl withdraw from school because she was pregnant; however, she was allowed to continue school work at home.[260] The board successfully contended its regulation was in the interest of the physical well-being of the girl and not a punitive measure. The court found it to be within the board's discretion to determine that the presence of pregnant girls might adversely affect "the discipline and government of the students."

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[255] *Id.* at 752.
[256] *Id.*
[257] *Id.* at 752-53.
[258] *Id.* at 753.
[259] Shull v. Columbus Municipal Separate School District, 338 F. Supp. 1376 (N.D. Miss. 1972).
[260] State *ex rel.* Idle v. Chamberlain, 12 Ohio Misc. 44, 175 N.E.2d 539 (1961).

At issue in Texas courts was a rule that forbade admission of a married mother to the public schools.[261] The case was brought on behalf of a sixteen-year-old mother who was prevented from enrolling. She was married but had filed for divorce. The rule provided in part that if a married pupil wanted to start her family, she must withdraw from public school. Such a pupil, however, could continue her education in the local adult education program and correspondence courses.

The Court of Civil Appeals of Texas observed that the rule would forever prevent a mother from reentering public school. Furthermore, the adult education program in the Texas community would not accept her until she became twenty-one, and available correspondence courses would not provide her with the credits necessary to enter college. The court invalidated the rule, but stated, "This holding does not mean that rules disciplining the children may not be adopted, but any such rule may not result in suspension beyond the current term."[262]

A United States district court in Massachusetts granted a preliminary injunction against a plan through which a school board would in effect isolate from contact with other students an eighteen-year-old pregnant unmarried senior.[263] Under the proposed arrangement, the girl was to be allowed to make use of school facilities after the normal dismissal time, to attend school functions ("games, dances, plays, etc."), and to participate in senior class activities. Further, she could seek extra help from her teachers and would be tutored at no cost if necessary. Her name would remain on the register until graduation day, and her examination would be taken at a time agreed on by her and her teachers.

The school board had a written rule that whenever an unmarried girl "shall be known to be pregnant," her "membership in the school" would be immediately terminated. Observing the way in which the rule was being implemented in the case of the plaintiff, the court stated that although "it is clear that no attempt is being made to stigmatize or punish plaintiff . . . . it is equally clear that were plaintiff married, she would be allowed to remain in class during regular school hours despite her pregnancy."[264]

The school principal was unable to state any educational purpose to be served by excluding the student from regular class hours. Also he conceded that her pregnant condition had not occasioned any disruptive incident or otherwise interfered with school activities. The policy of the school board was keyed to a desire not to appear to condone conduct by unmarried students of a nature to cause pregnancy. The school enrolled both junior and senior high students. The principal testified that because the younger students were still flexible in their attitudes they might be led to believe the school authorities were condoning premarital relations if they allowed female students in the plaintiff's situation to remain in school. The court, however, observed that even if concerns of that nature were a valid ground for the regulation, the girl's being permitted to attend school functions and participate in senior activities "substantially undercut" such considerations. The court stated:

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[261] Alvin Independent School District v. Cooper, 404 S.W.2d 76 (Tex. Civ. App. 1966).
[262] *Id.* at 78.
[263] Ordway v. Hargraves, 323 F. Supp. 1155 (D. Mass. 1971).
[264] *Id.* at 1157.

> In summary, no danger to petitioner's physical or mental health resultant from her attending classes during regular school hours has been shown; no likelihood that her presence will cause any disruption of or interference with school activities or pose a threat of harm to others has been shown; and no valid educational or other reason to justify her segregation and to require her to receive a type of educational treatment which is not the equal of that given to all others in her class has been shown.[265]

The plaintiff's case was handled by an organization devoted to asserting students' rights. This organization brought forth eight medical, psychiatric, social work, and educational authorities who testified that the student would not be harmed by regular attendance and that the student might be harmed by the rule of the school.

The assignment to night school of married students and students who are parents was upheld by a federal court in Georgia provided the education was equivalent to day school and there were no charges for either classroom instruction or textbooks.[266] (There were no fees for tuition or textbooks in the regular day classes.) Attacking the arrangement was an unmarried fifteen-year-old girl who had borne a child out of wedlock. The court found that the policy did not penalize the exercise of a student's fundamental right of procreation. Had it done so, the court said it would have been necessary to show a compelling governmental interest in order for the rule to meet constitutional standards.

Examining the school policy against the "rational basis" test, the court accepted the justification offered by the school authorities that students who marry or become parents are more precocious than other students and that the mixing of the two groups of students would lead to disruption of the school. The court found no dispute on the point that students who married or became parents were normally more precocious than the others. Therefore it was conceivable that their presence in a regular daytime school could result in disruption, and the plaintiff offered no evidence to the contrary.

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[265] *Id.* at 1158.

[266] Houston v. Prosser, 361 F. Supp. 295 (N.D. Ga. 1973).

Since an educational alternative was provided, there was no denial of equal protection of the laws. There would be a denial, however, if the student in this situation was required to pay tuition and provide textbooks as called for by the general policy covering night schools. The argument that the due process clause of the Fourteenth Amendment was violated by the conclusive presumption that a parent will disrupt the regular educational process was tersely rejected by the court, since it found no penalty to be involved in the application of the policy.

Temporary Exclusion

In a 1967 Texas case, relief was sought against the application of a rule that required students who married during the school term to withdraw from school for the remainder of the school year.[267] The appellate court struck down the rule, holding it was arbitrary because it made marriage, ipso facto, the basis for denial of a student's right to obtain an education. The school board tried unsuccessfully to distinguish the case from the preceding one by stating that the rule annulled in that case had the effect of permanently excluding the party from school, whereas the rule in the present case provided only for temporary exclusion. The Court of Civil Appeals stated succinctly: "If a student is entitled to admission, the question of the length of exclusion is not material."[268]

Later that year another marriage case reached the Texas Court of Civil Appeals.[269] The question was whether marriage alone constitutes sufficient ground to suspend a student from school for a definite period of three weeks, after which reapplication for admission could be made to the principal. The court enjoined the school board from enforcing this rule, which was not in writing on the date of marriage of the two students who had filed suit.

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[267] Anderson v. Canyon Independent School District, 412 S.W.2d 387 (Tex. Civ. App. 1967).

[268] *Id.* at 390.

[269] Carrollton-Farmers Branch Independent School District v. Knight, 418 S.W.2d 535 (Tex. Civ. App. 1967).

The court ordered the board to allow the students to attend school for what the court emphasized as scholastic purposes only. Noting that the girl was an honor student who hoped to earn a college scholarship and that the boy was having such a difficult time that if he missed classes for three weeks he would probably fail, the court stated:

> The great preponderance of the evidence adduced at the trial established that the presence and attendance . . . [of the students under the trial court's injunction] did not cause turmoil, unrest and upheaval against education by fellow students. The appellees were not approached by other students regarding the subject of married life. The ability of appellees to study was not affected by marriage. The evidence also showed that the resolution suspending students from school for marriage had not been uniformly applied.[270]

The court quoted extensively from the two preceding Texas opinions, and summarized its holding as follows:

> We think the weight of authority in Texas and in the United States is to the effect that marriage alone is not a proper ground for a school district to suspend a student from attending school for scholastic purposes only.[271]

The Supreme Court of Tennessee in 1957 had taken a different stance when it sustained the temporary exclusion from school of pupils who married during the school year.[272] The resolution of the school board provided for the automatic exclusion of pupils who married during a term for the remainder of that term, and of pupils who married during the summer vacation for the fall semester. All school principals in the county had asked the board of education to adopt the rule because they felt student marriages had caused a deterioration of discipline and decorum in the schools.

In sustaining the rule the court stated the principals "should be regarded by reason of training, experience and observation as possessing particular knowledge as to the problem which they say is made by the marriage and uninterrupted attendance of students in their respective schools."[273] The court gave weight to the principals' testimony that most of the disorder occurred "immediately after the marriage and during the period of readjustment," and that the "influence of married students on the other students is also greatest at this time." The court commended:

> . . . [I]t is not a question of whether this or that individual judge or

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[270] *Id.* at 536.

[271] *Id.* at 542.

[272] State *ex rel.* Thompson v. Marion County Board of Education, 202 Tenn. 29, 302 S.W.2d 57 (1957).

[273] *Id.* at 59.

> court considers a given regulation adopted by the Board as expedient. The Court's duty, regardless of its personal views, is to uphold the Board's regulation unless it is generally viewed as being arbitrary and unreasonable. Any other policy would result in confusion detrimental to the progress and efficiency of our public school system.[274]

Seven years later the validity of a similar regulation was considered by the highest court of Kentucky.[275] The substantive difference in the wording was that the length of withdrawal was to be for a full year, after which time a pupil could reenter school as a special student with permission of the principal. On reentry, however, homerooms, studyhalls, class activities, social events, and athletics were to be barred. The school board supported its policy on the same grounds as had the Tennessee board. The school superintendent had stated that marriages during the school term caused discussion and excitement, thereby disrupting school work. Moreover, some parents had requested that the rule be adopted.

The Court of Appeals of Kentucky struck down the regulation, finding "the fatal vice" to be "its sweeping, advance determination that every married student, regardless of the circumstances, must lose at least a year's schooling."[276] The court further noted that the principal was not provided with any guidelines to follow in granting a married student permission to resume school. In addition, it observed that the way school authorities enforced the regulation "accentuates the fact that the regulation is not realistically related to its purported purpose."

> It is asserted for the Board that the most intense disruptive impact of a student marriage occurs during the time just preceding and just following the marriage. Yet, under the uniformly followed pattern of administration of this regulation, the married student is permitted to remain in school during all of the time preceding the marriage, and may remain for a maximum of six weeks thereafter. Such procedure, even though premised on the Board's commendable desire to permit the student to complete the current term, effectively frustrates the prime purpose of the regulation.[277]

Restrictions on Extracurricular Activities

Until very recently the attitude of the courts toward marriage as a cause for exclusion from extracurricular activities had been markedly different from their attitude toward marriage as a cause for exclusion from school. Although there had been dissents from some opinions, all decisions until 1972 upheld the board's power to limit the participation of married students in activities deemed extracurricular.

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[274] *Id.*

[275] Board of Education of Harrodsburg v. Bentley, 383 S.W.2d 677 (Ky. 1964).

[276] *Id.* at 680.

[277] *Id.* at 680-81.

Restrictions upheld. The first case to deal specifically with the subject was decided by the Court of Civil Appeals of Texas in 1959.[278] The school board policy provided that "married students or previously married students be restricted wholly to classroom work; that they be barred from participating in athletics or other exhibitions, and that they not be permitted to hold class offices or other positions of honor."[279] Academic honors were excepted.

A sixteen-year-old male married a fifteen-year-old female with the result that he was barred from further participation in athletic activities. In challenging the rule, the student claimed he was hoping for an athletic scholarship to a college and that the rule deprived him of this opportunity. He also argued that the regulation was contrary to public policy in that it penalized persons because of marriage.

The school board's evidence, which satisfied the court, included the following: the parent-teacher association had made an extensive study of teenage marriages and had recommended the board resolution; this study had "included the ill effect of married students participating in extra-curricular activities with unmarried students"; a board member, who was a professional psychologist and former teacher, stated that a survey among parents of high school students "indicated a definite need for the resolution"; in the previous year 24 of a total of 62 married students had dropped out of school and at least one-half of the remainder had experienced a drop of at least 10 points in grades.

As to the boy's "right" to play football with the potential of achieving an athletic scholarship to college, the court said such was a "contingent or expectant" right rather than a "vested" right, despite the fact the boy had played football for the school and was married prior to the adoption of the rule.

Regarding the public policy argument, the court noted that teenage marriages were permitted only upon express consent of the parent or guardian and that below certain ages marriage was prohibited. It further commented that the principle of looking with favor on marriage applied to those of lawful age, whereas "the legislative policy is otherwise insofar as an underage marriage is concerned."[280] (See *Bell, infra.*)

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[278] Kissick v. Garland Independent School District, 330 S.W.2d 708 (Tex. Civ. App. 1959).

[279] *Id.* at 709.

[280] *Id.* at 711.

The following year the Supreme Court of Michigan, by an equally divided court, sustained a school board rule that married students "shall not be eligible to participate in any co-curricular activities: i.e., competitive sports, band, glee club, class and class officers, cheerleading, physical education, class plays and etc."[281] Two boys, each of whom was legally married, brought suit. The superintendent testified the boys were excellent students and had not created discipline problems since their marriages.

After the trial court sustained the board's action, an appeal was brought, with the Attorney General of Michigan on the side of the students. One judge voted to affirm on the ground the case was moot. The three judges who upheld the rule per se cited *Kissick (supra).* The other four, ignoring this case, wrote they could not find a decision by any state's highest court dealing with the question. *(Kissick* was decided by an intermediate appellate court.) They believed that partial denial of opportunities to a student for the sole reason of marriage was not a reasonable exercise of authority by a school district.

The reasons the board had offered in support of the rule included "the possible bad influence when married students are forced to be closely associated with their unmarried peers in any way other than the more formal circumstances: that is, classrooms, under the immediate supervision of a teacher": and the possible bad effect if married students are "in a position of idolization," as on the football team, because students are inclined to emulate their peers.[282]

The highest courts of Utah and Iowa have also supported the power of school authorities to restrict extracurricular activities of married students. The Supreme Court of Utah unanimously stated that because extracurricular activities are supplemental to the regular classes of the academic curriculum and are supplied under the discretionary power of the board, the extent they are made available can be decided by the board.[283] In this case the board had not barred married students from band, speech, drama, and choir. Permitting married students to engage in these, but not other activities, was not considered an unconstitutional discrimination by the court because these activities were closely allied with regular classwork taken for credit. The court also found it proper for the board to permit students already married when the rule was adopted to continue in all activities.

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[281] Cochrane v. Board of Education of Mesick Consolidated School District, 360 Mich. 390, 103 N.W.2d 569 (1960).

[282] *Id.* at 570-71.

[283] Starkey v. Board of Education of Davis County School District, 14 Utah 2d 227, 381 P.2d 718 (1963).

The court discussed its role as follows:

> It is not for the courts to be concerned with the wisdom or propriety of the resolution as to its social desirability, nor whether it best serves the objectives of education, nor with the convenience or inconvenience of its application to the plaintiff in his particular circumstances. So long as a resolution is deemed by the Board of Education to serve the purpose of best promoting the objectives of the school and the standards of eligibility are based upon uniformly applied classifications which bear some reasonable relationship to the objectives, it cannot be said to be capricious, arbitrary or unjustly discriminatory.[284]

In 1967 the Supreme Court of Iowa, in upholding a rule that barred married students from extracurricular activities, discussed the power of school boards to regulate student conduct on matters outside the domain of the school.[285] The court stated it is not within a school board's power "to govern or control the individual conduct of students *wholly* outside the school room or playgrounds." However, "the conduct of pupils which directly relates to and affects management of the school and its efficiency is a matter within the sphere of regulations by school authorities."[286]

The action was brought by a student who, though aware of the board rule, had married. He had been a regular player on the basketball team and wished to continue during his senior year but was not permitted to do so under the rule. The board president, the superintendent, and several school officials testified that the number of high-school-age marriages had recently increased significantly, that marriages were ordinarily followed by lower grades, and that school dropouts increased in a proportion greater for married pupils than for those not married. Further testimony revealed that some married students at times discussed with other students some intimate details concerning their marriages and that this was particularly true during extracurricular activities where close supervision was more difficult.

The board presented the following eight policy considerations it said prompted the adoption of the regulation:

1. Married students assume new and serious responsibilities. Participation in extracurricular activities tends to interfere with discharging these responsibilities.
2. A basic education program is even more essential for married stu-

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[284] *Id.* at 720.

[285] Board of Directors of Independent School District of Waterloo v. Green, 259 Iowa 1260, 147 N.W.2d 854 (1967).

[286] *Id.* at 858.

dents. Therefore, full attention should be given to the school program in order that such students may achieve success.

3. Teenage marriages are on the increase. Marriage prior to the age set by law should be discouraged. Excluding married students from extracurricular activities may tend to discourage early marriages.
4. Married students need to spend time with their families in order that the marriage will have a better chance of being successful.
5. Married students are more likely to drop out of school. Hence, marriage should be discouraged among teenage students.
6. Married students are more likely to have undesirable influences on other students during the informal extracurricular activities.
7. The personal relationships of married students are different from those of non-married students. Non-married students can be unduly influenced as a result of relationships with married students.
8. Married students may create school moral and disciplinary problems, particularly in the informal extracurricular activities where supervision is more difficult.[287]

Restrictions invalidated. The first officially reported federal case dealing with restrictions on extracurricular activities of married students was decided in Tennessee in 1972.[288] A married female student challenged a rule forbidding participation of married students in certain activities and functions of the school. The rule specified an automatic five-day suspension for all newly married students, after which they could participate only in classes in subjects for which credit toward graduation was given. The court, without specification, did not find "to be persuasive authority" "several cases decided in the courts of various states, all of which would uphold the regulation herein in question," because they were "inapposite or they fail to apply the appropriate constitutional standard."[289]

The court stated that the regulation infringed on a fundamental right, that of marriage. Because a fundamental right was involved the board would have to show a compelling interest in order to enforce the rule. However, the board "failed to show that the regulation in question is even rationally related to—not to mention 'necessary' to promote—*any* legitimate state interest at all. Instead, it is apparent that the sole purpose and effect of the regulation is to discourage, by actually punishing, marriages which are perfectly legal under the laws of Tennessee and which are thus fully consonant with the public policy of that State."[290]

About two weeks later a similar conclusion that extracurricular activities could not be restricted for married students was reached by a federal district court in Ohio.[291] This court, in citing some state court cases that had uniformly held for the school boards, pointed out that often there had been vigorous dissents and that in one of the cases *(Cochrane, supra)* only a minority of judges believed the decision affirmed was correct upon the merits. It observed that a judge now of the Court of Appeals of the Sixth Circuit (in which Ohio is located) was one of those who did not agree with the substantive reasoning of the lower court in that case.

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[287] *Id.* at 858-59.
[288] Holt v. Shelton, 341 F. Supp. 821 (M.D. Tenn. 1972).
[289] *Id.* at 822.
[290] *Id.* at 823.

The court said, "What the [present] case resolves itself down to . . . is the question of whether the defendants may enforce against the plaintiff, who has violated no law, a rule which will in effect punish him by depriving him of a part of his education."[292] The plaintiff was a male senior honor student and an excellent baseball player who had been approached by college and major league recruiters. The court concluded that "the effect of the enforcement of the rule, which the defendants have promulgated under the color and authority of the state laws, is to put what may be an unendurable strain upon the plaintiff's marriage." For this reason the court could not "escape the obligation to protect from invasion by the power of the state that right to marital privacy . . . protected by the Constitution."[293]

The court expressed concern about such undesirable consequences of teenage marriages as the high rate of failure of the marriages and the high dropout rate of married high school students. However, said the court:

> Nevertheless, the fact remains that the plaintiff did legally get married, without in doing so violating any law of the state. He had thus attained a status where his marital privacy might not be invaded by the state, even for the laudable purpose of discouraging other children from doing what he did.[294]

The court expressed the view that the school authorities should not be faulted for trying to discourage early marriages and that its holding was reached "with real sorrow."

Some four months later a third federal district court, apparently unaware of the preceding two holdings, granted a preliminary injunction against the application of a rule that would have prevented a married male student from participating in varsity football.[295]

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[291] Davis v. Meek, 344 F. Supp. 298 (N.D. Ohio 1972).

[292] *Id.* at 302.

[293] *Id.*

[294] *Id.* at 300.

[295] Moran v. School District No. 7, Yellowstone County, 350 F. Supp. 1180 (D. Mont. 1972).

The court stated that high school football is no less important a right than college football, thus extending a ruling by the Court of Appeals, Tenth Circuit, that an allegation regarding the loss of opportunity to play college football was a basis of a claim recognizable in federal courts.[296]

The reasons for the rule offered by the board were:

> (a) Married students assume new and serious responsibilities. Participation in extracurricular activities tends to interfere with discharging these responsibilities;
>
> (b) A basic education program is even more essential for married students. Therefore, full attention should be given to the school program in order that such students may achieve success;
>
> (c) Teenage marriages are on the increase. Marriages prior to the age set by law should be discouraged. Excluding married students from extracurricular activities may tend to discourage early marriages;
>
> (d) Married students need to spend time with their families in order that the marriage will have a better chance of being successful;
>
> (e) Married students are more likely to drop out of school. Hence, marriage should be discouraged among teenage students.[297]

The court found these reasons to be "unpersuasive" and held they "do not provide a basis under state law for the board's action. There is no legislative authority for school board action in the area of matrimony. What married persons do with their time outside of school and how they discharge their matrimonial responsibilities is outside the statutory authority of the school board."[298]

The court said that although it obviously is true that a basic education is important to married students, academic success beyond the high school may depend in part upon participation in extracurricular activities. The court observed that a simple requirement that those unable to keep up in academic work may not participate in extracurricular activities would have the same effect as limiting married students to academic work if the extra activities were the cause of academic failure.

So far as discouraging teenage marriages, the court stated that not only had the state not given over to the school board authority in the area, but that the effect of the board's rule was to punish those who had already married lawfully. The court suggested that the school board could try to discourage early marriages through premarital counselling in courses on family living.

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[296] Williams v. Eaton, 443 F.2d 422 (10th Cir. 1971).

[297] Moran v. School District No. 7, Yellowstone County, 350 F. Supp. 1180, 1182-83 (D. Mont. 1972).

[298] *Id.* at 1186.

It added that if, contrary to the facts in this case, there is "substantial evidence to support a school board's determination that married students' participation in extracurricular activities will result in a reasonable likelihood of moral pollution, disruption, or disciplinary problems within the student body then the school board's regulation may be upheld as a valid exercise of authority."[299]

Decided before the preceding three cases, but reported after them, was a Texas case in which school authorities attempted to bar from extracurricular activities a divorced student.[300] The rule covered students who presently were or had been married. The federal court abstained for a month from rendering a final judgment so as to allow relief to be granted within the framework of the school system. The court clearly indicated, however, that it was disposed to invalidate the rule as applied in this situation. At the time the court postponed its decision it concluded its remarks by saying:

> The professed purpose of the educational institution here is not to inflict punishment upon the young but to provide education and the best possible education to all of its students upon a nondiscriminatory basis. It should and will have its full opportunity to do so in this case before final action by this Court.[301]

The board came forth one month later with several reasons for the rule, none of which was adequately supported in the proof. Thus the court granted a permanent injunction.

Another federal court in Texas, electing to follow the "more acceptable view at this time" as expressed in the preceding federal case from Texas, granted a preliminary injunction against enforcing a rule that would bar from "any Interscholastic League activities" a student who had married during the basketball season.[302] This court recognized that the Texas state court decision in *Kissick (supra)* was authority to the contrary, and it invited an appeal because the order involved a controlling question of law as to which there is "a substantial ground for difference of opinion." Before the appeal was heard the student was graduated. The Court of Appeals, Fifth Circuit, vacated the preliminary injunction and terminated the case without deciding the merits.[303]

In 1974 a panel of the Texas Court of Civil Appeals by a two-to-one vote invalidated a regulation barring married students from extracurricular activities.[304] The majority said it was following the federal cases of *Moran*, *Davis*, and *Holt* (all, *supra*). It recognized that "our holding is in direct opposition to *Kissick* [*supra*]."[305]

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[299] *Id.* at 1187.

[300] Romans v. Crenshaw, 354 F. Supp. 868 (S.D. Tex. 1972).

[301] *Id.* at 870.

[302] Hollon v. Mathis Independent School District, 358 F. Supp. 1269 (S.D. Tex. 1973).

[303] Hollon v. Mathis Independent School District, 491 F.2d 92 (5th Cir. 1974).

OTHER AREAS OF CONDUCT

Demonstrations

Some of the cases discussed in the earlier chapter ***Insignia and Emblems*** involved what might be termed demonstrations. This section treats group actions aimed at calling attention to points of view by use of media other than insignia.

The Court of Appeals, Eighth Circuit, decided that school officials could discipline twenty-nine black students who engaged in a "quiet procession" from a pep rally when the song "Dixie" was played.[306] A school rule expressly forbade disturbances in assemblies. The rally had been scheduled in advance, and it was known that "Dixie" was to be played. Those who did not wish to attend the rally in the gymnasium were instructed to report to the auditorium, and some twenty-five black students and five white students did so. The black students went to the gymnasium and when "Dixie" was played as the fourth number they arose and left the pep assembly.

The court supported the position of school authorities that this was a disruption and thus a violation of a reasonable rule rather than a constitutionally protected dissent. The court reviewed at length the history of the song "Dixie" and concluded that it was not racially abusive per se, nor was it being used in a racially offensive fashion that would warrant its prohibition by the judiciary.

In another race-connected case some black students in a recently integrated school were displeased over selection of cheerleaders in a four-to-two ratio of white-to-black, the ratio being a reflection of the student population. A series of incidents, including a walkout, took place. That participating students could be disciplined despite the lack of a regulation specifically covering the offense was held by the Fifth Circuit.[307] The court said:

> No student needs a regulation to be told he is expected and required to attend classes. State law requires attendance, in Texas as in almost all other states. The entire structure of compulsory attendance, written "excuses" for absences, taking of the roll in classrooms, and

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[304] Bell v. Lone Oak Independent School District, 507 S.W.2d 636 (Tex. Civ. App. 1974).

[305] *Id.* at 638.

[306] Tate v. Board of Education of Jonesboro, Arkansas, Special School District, 453 F.2d 975 (8th Cir. 1972).

[307] Dunn v. Tyler Independent School District, 460 F.2d 137 (5th Cir. 1972).

> penalties for truancy, is familiar to every child. There are grey areas of conduct for which the student needs the guidance of a regulation telling him what is allowable and what is not. But the basic requirement of attending classes does not fall in that area. Thus, wholly apart from the regulation, the school was authorized to act with regard to a mass refusal to attend classes.[308]

Also taking the view that control of demonstrations is not dependent on a written regulation was the Supreme Court of Virginia.[309] In this case students who should have been in class assembled on the school grounds outside the principal's office to protest the earlier suspension of eight students. The protesters shouted to students in classrooms, urging them to join the protest, which some did. Some furniture was removed from inside the building. The demonstration grew progressively noisier. Eventually, police were called to arrest those who would neither return to class nor leave the school grounds.

The court, in affirming convictions for unlawful trespass, emphasized the disruptive nature of the activity. It said that "when the protest demonstration became unduly disruptive of the educational process and of good order and discipline in the school, it became not only the right, but the duty, of the principal to take reasonable measures to restore order so that the educational process might continue."[310]

Refusal of the school board to renew the teaching contract of an English instructor was the cause of a demonstration which led to a case decided by the Ninth Circuit Court of Appeals.[311] Several students planned a chant and walkout at an athletic awards assembly to protest the board's action. News media were informed. Before the ceremony began school officials learned that if a walkout did take place the school athletes would likely attempt to prevent it. Fearing possible violence, school authorities cancelled the assembly, but some students did stage a walkout from classes.

During the lunch period students and newsmen gathered in one area of the school premises. Student Karp got from his car signs supporting the instructor and distributed them to other students. When the vice-principal ordered the students to surrender the signs, all complied except Karp, who asserted a constitutional right to have and distribute the signs. He did, however, acquiesce upon a second request by the vice-principal.

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[308] *Id.* at 142.
[309] Pleasants v. Commonwealth, 214 Va. 646, 203 S.E.2d 114 (1974).
[310] *Id.* at 116.
[311] Karp v. Becker, 477 F.2d 171 (9th Cir. 1973).

The student's subsequent suspension for the sign incident was voided by the court on the ground that the student by the sign activity was exercising First Amendment "pure speech" and no substantial disruption could properly be forecast after he surrendered the signs. The court expressly stated, however, that the school authorities were justified in taking away the signs because disruption resulting from their retention and use was a reasonable forecast.

It should be observed that reasonable time and place regulations of rallies and demonstrations are within the power of school authorities to enforce. Thus a student was held not to have a right to conduct a rally at a particular point on school premises during the lunch period when there were other facilities available for speech activities and there was evidence that such a rally would create a "substantial disorder or invasion of the rights of others."[312] The court said the Constitution does not require "the school system to guarantee to [a student] on the school grounds a captive audience at the specific times he elects to address them."[313]

The Fifth Circuit Court of Appeals has said the First Amendment "does not give individual students the right to disrupt openly the educational process in order to press their grievances."[314] Expressions such as "willful disobedience," "intentional disruption," and "disturbs the school" are not unconstitutionally vague. In this case the court sustained the use of these words in regulations used to punish students involved in a demonstration.

Similarly, a three-judge federal district court upheld the punishment for "gross disobedience" of a student who, "against regulations, . . . began singing and causing other students to sing and in addition thereto on the same day . . . talked improperly to a teacher or teachers."[315]

However, the Ninth Circuit Court of Appeals has ruled that a trial court cannot dismiss summarily a complaint alleging that a student was unconstitutionally reprimanded and threatened with suspension for wearing a tag on her dress during school hours with the words "boycott chocolates."[316] The purpose of the tag was to protest the school's dress code, and leaflets urging the boycott were also distributed. The "chocolate drive" was an administration-sanctioned activity to raise money to finance some student func-

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312. Lipkis v. Caveney, 19 Cal. App. 3rd 383, 96 Cal. Rptr. 779 (1971).
313. *Id.* at 783.
314. Murray v. West Baton Rouge Parish School Board, 472 F.2d 438, 442 (5th Cir. 1973).
315. Whitfield v. Simpson, 312 F. Supp. 889, 892 (E.D. Ill. 1970).
316. Hatter v. Los Angeles City High School District, 452 F.2d 673 (9th Cir. 1971).

tions through the sale of candy. A "boycott" of classes to enforce student demands would, of course, be disruptive of the educational process.[317]

Drugs and Alcohol

The courts are agreed that rules barring possession, sale, or distribution of drugs to fellow students can be enforced by school authorities. In discussing not only the right, but the duty, of school officials to prevent use of drugs in schools, the Court of Appeals of New York has stated:

> The school authorities have an obligation to maintain discipline over the students. It is recognized that when large numbers of teenagers are gathered together . . . their inexperience and lack of mature judgment can often create hazards to each other. Parents, who surrender their children to this type of environment, in order that they may continue developing both intellectually and socially, have a right to expect certain safeguards.
>
> It is in the high school years particularly that parents are justifiably concerned that their children not become accustomed to antisocial behavior, such as the use of illegal drugs. The susceptibility to suggestion of students of high school age increases the danger.[318]

The Court of Appeals of Arizona has said it did "not doubt the reasonableness" of a regulation barring "unlawful use, possession, distribution or sale of drugs, alcohol, and other illegal contraband on school district property or at school-sponsored functions."[319] "The use of drugs by students, either on or off the high school premises, bears a reasonable relation to and may endanger the health, safety and morals of other students."[320] However, if the offense is committed off school grounds and school authorities did not themselves witness it, a student may not be excluded on the basis he was arrested and charged with criminal possession of a hypodermic instrument.[321]

In dealing with alcohol or drugs, school boards, of course, are bound to respect the constitutional rights of students. Thus rules must be reasonably related to the evil to be corrected. The Supreme Court of Iowa has discussed the point in invalidating a rule that made a student ineligible for interscholastic athletics if he, with knowledge of the fact, was found in a car containing beer.[322] The court found the rule "too extreme" in its breadth. It stated, however:

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[317] Boykins v. Fairfield Board of Education, 492 F.2d 697 (5th Cir. 1974).
[318] People v. Overton, 20 N.Y.2d 360, 229 N.E.2d 596, 597 (1967).
[319] Kelly v. Martin, 16 Ariz. App. 7, 490 P.2d 836, 838 (1971).
[320] *Id.* at 840.
[321] Howard v. Clark, 59 Misc. 2d 327, 299 N.Y.S.2d 65 (1969).
[322] Bunger v. Iowa High School Athletic Association, 197 N.W.2d 555 (Iowa 1972).

> We have no doubt that school authorities may make a football player ineligible if he drinks beer during football season. No doubt such authorities may do likewise if the player drinks beer at other times during the school year, or if he then possesses, acquires, delivers, or transports beer.[323]

According to a federal district court in Massachusetts no written rule is required before students can be punished for "being on school premises with beer on their breaths."[324] The punishment involved restrictions on extracurricular activities for a year. The students, who were on athletic teams, were aware that "involvement with alcohol on or off school premises was wrong and would be punished by school authorities. . . . In addition, [the students] are presumed to know the strong public policy against alcohol use by minors as expressed in the pamphlets used in the health course and in the Massachusetts General Laws."[325]

The Court of Appeals, Eighth Circuit, has said that "regulations proscribing the possession or consumption of intoxicating beverages by students at school functions are reasonable."[326] In this case, however, the court reversed a lower court decision in favor of school authorities on the ground that there was no finding that the beverage brought to school by the students was actually intoxicating.

Off-Premises Conduct

Many of the cases analyzed in this monograph have involved to some extent acts committed by students off school grounds.

Perhaps the oldest appellate case dealing with control of school activities off school premises is one decided in 1859 in Vermont.[327] A high school pupil, in the presence of other pupils, but after school hours and after he had returned home, called the teacher "old Jack Seaver." The next morning Mr. Seaver whipped the boy. The boy's father brought suit.

The Supreme Court of Vermont held the punishment justified because the misbehavior had a "direct and immediate tendency to injure the school, to subvert the master's authority, and to beget disorder and insubordination."[328] The court distinguished between punishable and unpunishable off-school-premises conduct as follows:

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[323] *Id.* at 564.

[324] Hasson v. Boothby, 318 F. Supp. 1183 (D. Mass. 1970).

[325] *Id.* at 1188.

[326] Strickland v. Inlow, 485 F.2d 186, 189 (8th Cir. 1973), *cert. granted sub nom.* Wood v. Strickland, 94 S. Ct. 1932 (1974).

[327] Lander v. Seaver, 32 Vt. 114, 76 Am. Dec. 156 (1859).

[328] *Id.* at 160.

> [Punishable conduct] is not misbehavior generally, or towards other persons, or even towards the master in matters in no ways connected with or affecting the school; for as to such misconduct, committed by the child after his return home from school, we think the parents, and they alone, have the power of punishment.
> But where the offense has a direct and immediate tendency to injure the school and bring the master's authority into contempt . . . we think he has the right to punish the scholar for such acts if he comes again to school.[329]

One of the most-quoted cases dealing with punishment of pupils for acts committed off school premises was decided by the Supreme Court of Errors of Connecticut in 1925.[330] The principal had received a complaint from the mother of two small girl pupils that they had been frequently abused by three boys while on their way home from school. The principal later received a note from the mother saying she had witnessed the same boys annoying two other small girls who were on their way home from school. The locality was the premises of the mother of one of the boys.

The principal summoned the boys to the office and told them of the offenses charged against them. When the boys admitted their guilt, the principal administered corporal punishment in a moderate manner. Suit for damages was brought by the boy who lived where the incident occurred. The question before the appellate court was whether a rule could be adopted "which attempts to control the conduct of pupils outside of school hours after they have reached their homes." In finding that the principal had the power to act as she did, the court said:

> Examination of the authorities clearly reveals the true test of the teacher's right and jurisdiction to punish for offenses not committed on the school property or going and returning therefrom, but after the return of the pupil to the parental abode, to be not the time or place of the offense, but its effect upon the morale and efficiency of the school, whether it in fact is detrimental to its good order, and to the welfare and advancement of pupils therein. If the conduct punished is detrimental to the best interests of the school, it is punishable, and in the instant case, under the rules of the school board, by corporal infliction.[331]

In answer to the argument that the proper resort of the principal in correcting the abuse was to the parents or to the public prosecutor, the court stated:

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[329] *Id.*
[330] O'Rourke v. Walker, 102 Conn. 130, 128 A. 25 (1925).
[331] *Id.* at 26.

> Some parents would dismiss the matter by saying that they give no attention to children's quarrels; many would champion their children as being all right in their conduct. The public authorities would very properly say, unless the offense resulted in quite serious injury, that such affrays were too trifling to deserve their attention. Yet the harm to the school has been done, and its proper conduct and operations seriously harmed, by such acts.[332]

The court pointed out that, although the plaintiff had reached his home after school, his victims had not.

The advent of school cafeterias has led some school boards to require that students who do not go home for lunch remain in school and either buy food in the cafeteria or eat there food brought from home. In effect, the patronizing of neighborhood eating establishments is barred. The power of school boards to establish such rules has been uniformly upheld. As justification for these rules, courts emphasize the health of the children and the disruption that would be caused by students coming and going from eating places off the premises. The fact some private businesses may be denied sales to pupils during the school day does not render the rules invalid. The most recent appellate court so to hold was the Court of Appeals of Kentucky in 1955.[333]

A related rule has been upheld by the Court of Civil Appeals of Texas.[334] The regulation provided that students driving automobiles to school must park them in the parking lot when they arrive at school in the morning and not move them until 3:45 p.m. unless by special permission. The case arose when a girl (with the encouragement of her father) insisted on parking her car at a private house one block from the school, going home to lunch in it each day, and reparking it at the same place until school was over for the day.

Before sustaining the power of the board to enforce the rule against the girl, the court received uncontroverted testimony that, prior to the rule, fifty or sixty automobiles driven to school by students would be driven away at the noon hour. The high school, the parking area, a grade school, and playgrounds were located in the immediate vicinity, and small children would be passing at the time the cars were leaving. The court found the regulation valid because it was "for the purpose of controlling the conduct of the students to the end that student pedestrians on the streets adjacent to the schools might be safe from student operated automobiles and that better order, decorum and discipline might prevail at the noon recess."[335]

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[332] *Id.* at 27.

[333] Casey County Board of Education v. Luster, 282 S.W.2d 333 (Ky. 1955).

[334] McLean Independent School District v. Andrews, 333 S.W.2d 886 (Tex. Civ. App. 1960).

Miscellaneous

It is self-evident that considerations of safety as well as of a proper educational atmosphere would enable school officials to discipline students who instigate fights with other students on school premises or on the way to and from school. A specific rule on the point would not be necessary except perhaps as a due process consideration before a severe penalty is placed on a student. Fighting is covered by a rule against "behavior which is inimicable to the welfare, safety, or morals of other pupils."[336] The Ninth Circuit Court of Appeals has held that the word "assault" in a school disciplinary rule is not unconstitutionally vague.[337]

If students from one school precipitate a fight on the campus of another school, school authorities can punish them.[338] Also clearly punishable is a threat by a student against a teacher[339] or administrator,[340] as is surly use of epithets directed at a teacher[341] or throwing a cup of coffee on a teacher.[342]

A student is bound to know that "repetitive skipping of classes, absences from school, and skipping of detention" might lead to disciplinary sanctions.[343] Turning in two false fire alarms necessitating evacuations of the building and bringing out fire department vehicles and personnel has been held to constitute "gross misconduct," which would support an involuntary transfer of the student to another school.[344]

Recognition of a student organization, required to obtain certain high school privileges, cannot be withheld under a policy that it not be granted to "student groups which advocate 'controversial' ideas or which 'stress one side' of issues."[345] In so ruling, a federal district court in Michigan relied solely on *Tinker*, ignoring a United States Supreme Court decision almost a year earlier directly in point except that the educational institution was a college.[346]

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[335] *Id.* at 891.

[336] People in Interest of K.P., 514 P.2d 1131 (Colo. 1973).

[337] Black Coalition v. Portland School District No. 1, 484 F.2d 1040 (9th Cir. 1973).

[338] Tucson Public Schools, District No. 1 of Pima County v. Green, 17 Ariz. App. 91, 495 P.2d 861 (1972).

[339] Rhyne v. Childs, 359 F. Supp. 1085 (N.D. Fla. 1973).

[340] Brown v. Greer, 296 F. Supp. 595 (S.D. Miss. 1969).

[341] Boykins v. Fairfield Board of Education, 492 F.2d 697 (5th Cir. 1974).

[342] Greene v. Moore, 373 F. Supp. 1194 (N.D. Tex. 1974).

[343] Fielder v. Board of Education of School District of Winnebago, Nebraska, 346 F. Supp. 722 (D. Neb. 1972).

[344] Betts v. Board of Education of City of Chicago, 466 F.2d 629 (7th Cir. 1972).

[345] Dixon v. Beresh, 361 F. Supp. 253 (E.D. Mich. 1973).

[346] Healy v. James, 408 U.S. 169, 92 S. Ct. 2338 (1972).

The Tenth Circuit Court of Appeals has held that a student can be barred from running for copresident of the high school student council because the student wrote a letter using vulgar language and characterizing the principal as a "Nazi" and the student council as a "farce."[347] Student body bylaws provided that candidates display qualities of good citizenship and that the principal was to determine it. The court found no violation of the Constitution or federal statutes.

CONCLUDING COMMENTS

If there is one thing the field of education law does not need any more of, it is simplistic conclusions. Thus, the preceding record is left to speak for itself, for the reader to consider and utilize as he wishes.

Now, however, the author will offer a few observations of his own in the hope they may be of interest to some concerned with the increasingly significant legal issues involved in control of student conduct.

In analyzing the cases reported earlier, the question arises why some of them even went to court. In the answer to this question, one is led to suspect as a factor a rigid clinging by some school officials to prerogatives of authority more fitted to a military operation than to an educational endeavor. Even in some cases decided in favor of school boards, one may wonder what were the costs of the cases to the educational processes of the school districts.

Educational literature profusely contends that all matters under the aegis of the school should be considered important parts of the curriculum. If this contention is valid, what is the justification for restricting the extracurricular activities of students who have married in conformity with relevant statutes?[348]

When a school board must be forced by a court to open its doors to a girl who desires more education but who has committed the "offense" of bearing an out-of-wedlock child, what—and whose—values are applied?[349]

What is the goal of school authorities who try summarily to exclude a boy who brings on the premises a magazine in which one article contains "objectionable" words when those same words appear in a book read in English class and in items in the school library?[350]

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[347] Palacios v. Foltz, 441 F.2d 1196 (10th Cir. 1971).

[348] *See* the section "Restrictions on Extracurricular Activities" in *Marriage and/or Parenthood, supra.*

[349] Perry v. Grenada Municipal Separate School District, 300 F. Supp. 748 (N.D. Miss. 1969).

What virtue is displayed by school authorities who condone a "vulgar" sign on the wall of the athletic coaches' office and seek to exclude a student who puts similar words in a publication?[351]

How is one to evaluate a statement presented in court by counsel for the school board, in defending the banning of a student-paid advertisement critical of the Vietnam war, that a school newspaper "would be just as valuable an educational tool if it were compiled and then consigned to the files without publication?"[352]

How can a student or a citizen have confidence in school officials who tell a court they must bar all girls' slacks because they cannot be specific about types of slacks, when they have adopted detailed statements describing the kinds of jewelry and ornamentation that may not be worn in the school?[353]

What credibility accrues to a school board that tries to bar distribution of a publication because it includes commercial advertisements when school-sponsored papers have fifteen to twenty commercial advertisements in each edition whereas the objected-to publication carries four or five on the average?[354]

What degree of rationality is displayed by school authorities who, based on only one incident, offer as a reason for adhering to a rule barring married students from extracurricular activities that "a spouse is apt to be incited to violence against a teacher"?[355]

What attitude is communicated by a school board that, after having been judicially ordered to admit one unwed mother, has to be sued again in federal court a year later to bar its enforcement of the same policy against another unwed mother?[356]

What objectivity can be ascribed to a principal who testifies in court that "whenever I see a long-hair youngster he is usually leading a riot, he has gotten through committing a crime, he is a dope addict or some such thing"?[357]

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[350] Vought v. Van Buren Public Schools, 306 F. Supp. 1388 (E.D. Mich. 1969).

[351] Sullivan v. Houston Independent School District, 307 F. Supp. 1328 (S.D. Tex. 1969).

[352] Zucker v. Panitz, 299 F. Supp. 102, 103 (S.D.N.Y. 1969).

[353] Scott v. Board of Education, 61 Misc. 2d 333, 305 N.Y.S.2d 601 (1969).

[354] Peterson v. Board of Education of School District No. 1 of Lincoln, Nebraska, 370 F. Supp. 1208 (D. Neb. 1973).

[355] Romans v. Crenshaw, 354 F. Supp. 868, 871 (S.D. Tex. 1972).

[356] Shull v. Columbus Municipal Separate School District, 338 F. Supp. 1376, 1378 (N.D. Miss. 1972).

[357] Breen v. Kahl, 296 F. Supp. 702, 705 (W.D. Wis. 1969), *aff'd*. 419 F.2d 1034 (7th Cir. 1969), *cert. denied*, 90 S. Ct. 1836 (1970).

What lesson is learned when the principals of a school system, after hearing of a plan by some students to wear armbands supporting a truce in Vietnam, decide to bar this symbol though they have permitted the wearing of buttons relating to national political campaigns and other types of insignia, including the Iron Cross?[358]

How is one to assess an administrative bureaucracy that takes a full academic year to decide whether a publication may be distributed?[359]

"When school authorities complain variously that [certain] hair styles are inspired by a communist conspiracy, that they make boys look like girls, that they promote confusion as to the use of rest rooms and that they destroy the students' moral fiber, then it is little wonder even moderate students complain of 'getting up tight.'"[360]

A substantial proportion of the cases discussed in this paper involve forms of student expression. Educational writers and speakers, almost as a unified voice, say the prime function of the school is to develop effective citizens for our democracy. It is therefore disquieting to examine the types and extent of authority that some school officials will spend energy and tax money to attempt to justify in court.

Lest the foregoing incorrectly indicate that the writer sees only the faults of school authorities, it must be emphasized that a great number of actual and threatened "court cases" are encouraged or "manufactured" by individuals or groups whose motivations are as worthy of condemnation as are the previously mentioned actions of certain school personnel. Challenges to authority are not virtuous per se. Frivolous challenges are as unlikely to lead to a better society as is contentment with the status quo.

The last decade however, has been an era of questioning of authority in general. Not surprisingly, the attitude of resistance to authority is being focused increasingly on the schools. After all, the schools are the arm of government that most directly affects the daily existence of youths. How school personnel react to the challenge to their authority is therefore important not only for the function of the schools but for the development of youths' general attitudes toward their government.

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358. Tinker v. Des Moines Independent Community School District, 393 U.S. 503, 89 S. Ct. 733 (1969).

359. Koppell v. Levine, 347 F. Supp. 456 (E.D.N.Y. 1972).

360. Bishop v. Colaw, 450 F.2d 1069, 1078 (8th Cir. 1971) (concurring opinion of Circuit Judge Lay).

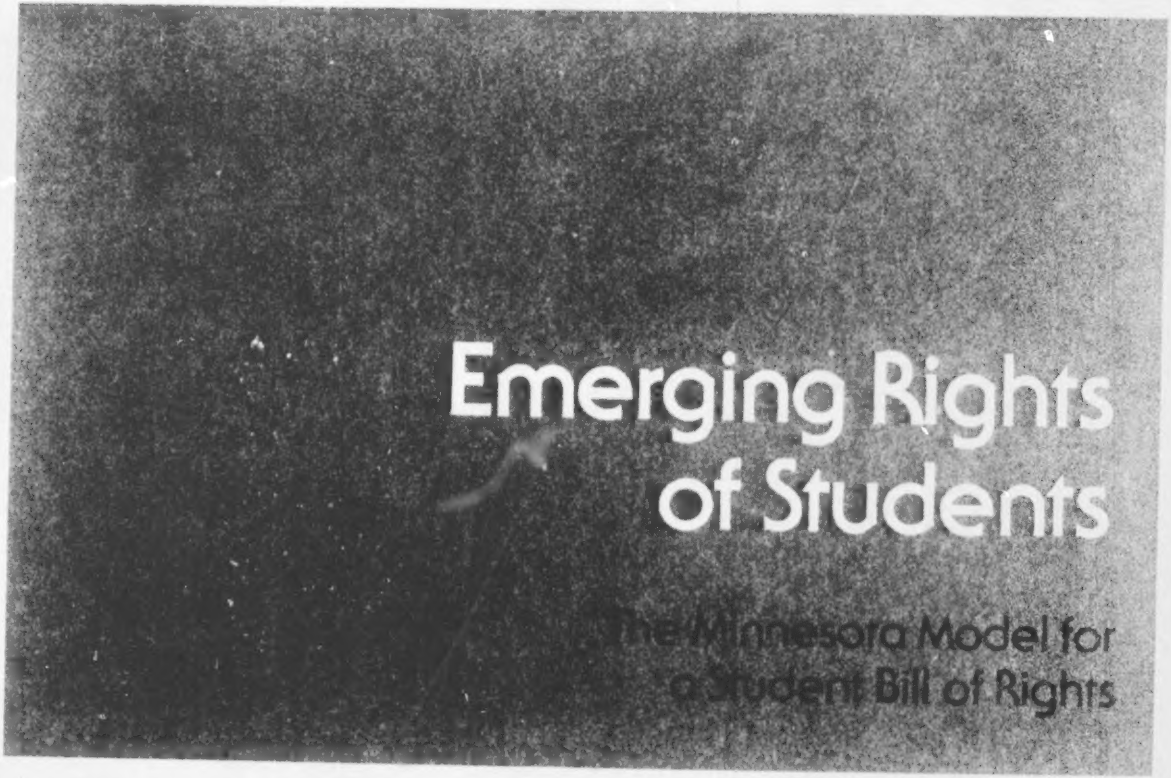
Misunderstandings about the legal rights of students must be corrected. Too frequently school officials involved in this issue approach it from one of two extremes, neither of which bodes well. One is a lack of awareness of what the courts are saying the rights of students are in certain types of heretofore unadjudicated situations. The other is a reluctance by school authorities to take reasonable stands and to gather evidence and muster appropriate constitutional arguments to support their needs in operating efficient and effective schools. If school boards and professional personnel are able to develop sound educational and legal arguments to support their actions in cases of discipline, they need not fear the courts. If they are unable to do so, they simply should not try to impose their whims, hunches, or tastes on the students.

Most challenges to school authority come from those who hold a minority point of view on a particular matter—those who question the authority of school officials either to speak for the majority in certain matters or to enforce the majority's belief on the minority. Cases that involve freedom of speech or freedom of appearance clearly evolve from an attempt by a minority to speak or dress in a fashion the majority does not approve. Although the "will of the majority" is a properly revered tenet of American political philosophy, the Bill of Rights was designed to remove certain fundamental rights of individuals from the control of the majority at a given time.

The present American preoccupation with "taking the matter to court," rather than to the legislative or executive branch, seems to indicate that a substantial number of cases dealing with control of student activities are to be expected. The receptiveness of most federal courts to suits brought by parents and students under the revitalized Civil Rights Act of 1871 is a relatively new factor contributing to an upsurge in published judicial opinions in the area. (Single-judge federal court decisions are generally published, unlike most decisions by state-level trial courts.) Hopefully, better-selected and better-prepared cases in the future will more clearly define the blurred border between the rights of parents and pupils and the powers and duties of school authorities.

It would be naively idealistic to contend that the proclivities of individual judges are not discernible in decisions in cases concerning control of student activities. Indeed, a certain amount of subjectivity among judges is inevitable in an area as sensitive as this. Yet the courts actually disagree little on fundamentals. Differing results come primarily from differing patterns of facts and arguments.

Legally, who wins the case is not nearly as crucial as why the decision was made. Educationally, who wins the case is not nearly as crucial as why the discipline situation could not have been resolved short of recourse to the public, adversary forum of a court.



Emerging Rights of Students

The Minnesota Model for a Student Bill of Rights

Emerging Rights of Students

The Minnesota Model for a Student Bill of Rights

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Foreword

It is clear to me, as Commissioner of Education, that there is an increasing concern in our schools in Minnesota with questions about student rights and conditions accompanying these rights within our educational system.

This highly complicated and volatile issue is being raised during an era in which the most pressing questions are being asked by society in regard to social responsibility. The problem of student rights can be viewed, therefore, as a microcosm—a small manifestation of a much larger social phenomenon.

A great number of evidences of the need for attention to student rights exhibit themselves in our changing society.

They include increased student restlessness and alienation; judicial emphasis on due process; the decision that the Constitution does not stop at the school house door; the emergence of a culturally distinct youth class—biologically and intellectually more mature than those of past generations; the growth of the universal demand for having a hand in the decisions which affect one's destiny; and the impact of the Constitutional amendment which lowered the age of majority and therefore increased the status, as well as the numbers, of those who are now enfranchised.

All of these things—and more—emphasize that our schools should become more aware of the importance of (1) according students those rights which are mandated by law; (2) engaging in good, albeit not mandated, practices which have regard for the dignity of the individual student and which promote harmonious school-student relationships; and (3) promoting those activities which will lead students to understand that there are restrictions connected with individual rights and freedoms.

As a recent illustration, one can point to court decisions which have enlarged the refined individual civil liberties.

In another direction, both legislative and judicial actions have emphasized equal educational opportunity for migrants, Blacks, Indians, Chicanos, and other minority groups.

This model handbook for students' rights is intended to assist local school boards and administrators in establishing policy.

The document as a whole is not to be considered in itself as a mandate. Its purpose is essentially advisory.

This material has been compiled from current law and educational practices, the majority of which are presently utilized in Minnesota schools. It is recognized that communities, students, and schools in our state differ considerably. It is advisable to seek help from legal counsel when one is unsure as to whether certain rights are being violated.

The main point is that a student should be cognizant of his rights and the conditions accompanying those rights. Only by such education can the student be expected to respond in terms of the laws which govern us all. Just as a player should know the rules of the game, so should the pupil know the laws of the system.

Howard B. Casmey
Commissioner of Education

Purpose

This publication attempts to present a set of guidelines primarily oriented toward school administrators, school boards and teachers. Another document designed for students will follow. The purpose of these guidelines, therefore, is to aid local school districts in developing policies that will facilitate:

(1) Consistent treatment of all students.

(2) "Fairness" or "reasonableness" required by Constitutional Due Process.

(3) An atmosphere of open communication, self-discipline, and clearly understood rules.

(4) Behavior that will enable both school staff and students to develop to their fullest potential.

Recommendations

For Preparation and Distribution of Student Rights Guidelines by Local School Districts

(1) Seek wide input from students during the preparation of student rights policies, including feedback from students, teachers, administrators, community members and parents, attorneys, and agencies of local government.

(2) Engage in legal research to assure that school district policies are consistent with emerging laws.

(3) Review existing policies, including those that relate indirectly to student rights and conditions under which those rights may be exercised, to insure parallelism.

(4) Review school district policies to assure that they are updated.

(5) Give careful consideration to brevity, clarity, and readability.

(6) Distribute copies of school district policy to each student and parent or guardian (including transfer students and their parents).

(7) Distribute copies of the policy to local news media, including television, radio and newspapers.

(8) Because titles and assignments differ among school personnel, the responsible authority for implementing student rights guidelines must be spelled out clearly.

Guidelines

Issued by Minnesota Department of Education

Age of Majority

Philosophical Basis

Lowering the Age of Majority to 18 marks the beginning of a new exciting phase in a student's life. Clear policies should be developed regarding this issue, however.

Two publications, *The Age of Majority: Guidelines for Local Districts* and *The Impact of Reaching the Age of Majority: Guidelines for Students*, attempt to summarize and explain the changes in privileges, duties, rights and obligations of persons 18 years or older. These documents are available from the Publications Section, State Department of Education, 715 Capitol Square, St. Paul 55101 and should be used in developing local school district policy. The following is an addition to those guidelines.

Guidelines

(1) The conduct of all students under 21 years of age shall be governed by a single set of reasonable rules and regulations promulgated by the local board of education.

(2) In some areas, such as student records, attendance and smoking (such as provision for a smoking area), a local board should establish policies recognizing the new rights and accompanying conditions granted under the Age of Majority.

Alcohol, Drug Abuse and Venereal Disease

Philosophical Basis

Personal concerns such as alcohol, drug abuse, or venereal disease can seriously interfere with a student's educational and personal development. The education, dignity, welfare and rehabilitation of the student should be the prime consideration when any remedial action—legal or other—is recommended.

Guidelines

Rights

(1) A student may seek treatment for venereal disease, pregnancy, alcohol or drug abuse—without the consent of a parent or guardian.

(2) A student may seek any medical treatment needed if he is living apart from his parents and managing his own financial affairs.

Appearance

Philosophical Basis

(1) Dress and hair length are the responsibility of the student and his parent. When dress and grooming disrupt the learning process for the individual student, other students, or the learning climate of the school, it becomes a matter of administrative action involving the student and/or parent.

(2) The total learning climate of a school is important to the educational welfare of students. It is believed that the teaching-learning process will flourish in an environment with as few constraints as possible.

Guidelines

Rights

(1) The district school board should reduce its policy on dress and grooming in writing and make such rules widely available to parents and students. Such rules must be clear and reasonable.

(2) Student dress and grooming should be the responsibility of the individual and his parents under the following guidelines:

Accompanying Conditions

(1) Dress and grooming should be clean and in keeping with health and sanitary practices.

(2) Students may not wear clothing or hair styles that can be hazardous to them in their educational activities such as shop, lab work, physical education, art, or on-the-job training.

(3) Dress and grooming should not substantially disrupt the educational process.

Assembly or Meetings

Philosophical Basis

The students' First Amendment right to free speech and assembly should be honored but may not substantially disrupt the educational process.

Guidelines

Rights

(1) Students should be permitted to hold student meetings on school property within the limitation applicable to all groups under MSA 123.36(5).*

(2) Students shall have the right to gather informally.

Rules for a Student Meeting

(1) Meetings should be scheduled in advance.
(2) Normal class activities may not be disrupted.
(3) The meeting shall not be such as may be likely

to create a substantial danger to persons or property.

(4) If a crowd is anticipated, a crowd control plan shall be filed in the appropriate office well in advance of the meeting.

Rule for an Informal Gathering

Students gathered informally shall not substantially disrupt the educational process.

Attendance

Philosophical Basis

(1) School administrators must make every effort to enforce the compulsory attendance laws.

(2) One fundamental purpose for insisting on punctual, regular school attendance is to facilitate the normal conduct of the school.

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* M.S.A. 123.36(5) states:

The board may authorize the use of any schoolhouses in the district for divine worship, Sunday schools, public meetings, elections, and such other community purposes as, in its judgment, will not interfere with their use for school purposes; but before permitting such use, the board may require a cash or corporate surety bond in a reasonable amount conditioned for the proper use of such schoolhouse, the payment of all rent and the repair of all damage occasioned by such use, and it may charge and collect for the use of the district from the persons using such schoolhouse such reasonable compensation as it may fix.

It may authorize the use of any schoolhouses or buildings in and of the district for the holding of primaries, elections, registrations, and all action in connection therewith in such manner as in its judgment, will not interfere with their use for suchool purposes. It may impose such reasonable regulations and conditions upon such use as may seem meet and proper.

Guidelines

Rights

A homebound teacher shall be provided for a student during long periods of illness.

Accompanying Conditions

(1) Students shall be punctual in reporting to school and to classes and shall attend regularly. Since absence from class is an important matter, clear local policies should spell out provisions governing both excused and unexcused absences.

(2) Students may not attend school when they or others in the home have a communicable disease. Consultation with a physician is recommended.

Buttons, Armbands, Speeches and Newspapers

Freedom of Expression –

Philosophical Basis

(1) One of the basic purposes of education is to prepare students for responsible self-expression in a democratic society. Citizens in our democracy are permitted free expression under the 1st and 14th Amendments of the U.S. Constitution. Students do not leave their constitutional rights at the school door. They have the right of free expression as long as they do not substantially interrupt the educational process.

(2) Since schooling should be a meaningful and relevant experience, the matter of free expression should be incorporated in present educational practice.

Guidelines

Rights

(1) Students have the right to express personal opinions in writing in "student" publications and participate in publishing such publications. The publishing and editorial policies governing "student" publications should be in written form.

(2) Students may not be required to participate in patriotic exercises.

(3) Students may wear distinctive insignias, such as buttons and armbands, so long as they do not substantially interfere with the educational process.

Accompanying Conditions

(1) Symbolic, verbal, and written freedom of expression shall not interfere with the freedom of others to express themselves. The use of allegedly profane or allegedly obscene language may be dealt with by civil authorities.

(2) Any publication sponsored or in any way funded by the school shall be known as a "school" publication as different from a "student" publication. Thus, a school newspaper should reflect the total life of the school community. The school publication, which may be accomplished with student effort, should reflect the needs of the total school community. A school should develop clear policies regarding the publication and dissemination of this publication.

Corporal Punishment

Philosophical Basis

The issue of corporal punishment is controversial. Following months of study, a national task force recommended that corporal punishment be phased out of our nation's schools. They suggested the following steps attacking the problem: increased training of school staff in human relations; a full range of educational alternatives; availability of specialists in psychology and social work; and smaller classes where teachers can get to know students. The main point is that corporal punishment may prepare children for autocratic political rule—but poorly for participatory democracy.

Guidelines

By state law, a teacher is allowed to use reasonable physical force to restrain or correct a student. This should be the last alternative, however, Other avenues should be explored before administering physical force —this protects the teacher as well as the pupil.

Handicapped Students

Philosophical Basis

The law recognizes the rights of handicapped, as well as non-handicapped, students to a public education. Special classes, separate schooling or other differential treatment of handicapped children may occur only when supplementary aids and services cannot be accomplished satisfactorily. If the parents, after meeting with the school, believe appropriate instruction and services are not provided, they may appeal to the Commissioner of Education, Minnesota Department of Education, 550 Cedar Street, St. Paul, Minnesota 55101.

1. *Definition of a Handicapped Child*: Students who are deaf, hard of hearing, blind, partially seeing, crippled, have defective speech, are physically impaired in body or limb, educable mentally retarded, emotionally disturbed, special behavior problem (including learning disabled) and trainable mentally retarded. If these students need special instruction and services, they are handicapped students.

2. *Responsibility of the School*: Every district and unorganized territory *shall provide* special instruction and services for handicapped children of school age who are residents of the district and who are handicapped. Every district and unorganized territory *may provide* special instruction and services for handicapped children who have not attained school age.

3. *Meaning of School Age*: School age means the ages of 4 years to 21 years or completion of secondary school or its equivalent for children who are deaf, blind, crippled or have speech defects and 5 years to 21 years for children who are mentally retarded (also emotionally disturbed, learning disabled and behavior problems).

Locker Search or Personal Search

Philosophical Basis

A school district should create a climate in the schools which assures the safety and welfare of all. Equipment, such as lockers, belongs to the school district but students may be allowed to use this equipment as a convenience. The schools should insist that lockers be properly cared for and not used for the storage of illegal items.

Guidelines

Rights

(1) At the time of locker assignment or registration, students will be informed in writing of the policy governing the use of the locker. Such policy should be clear and reasonable.

(2) Students may be assured their rights shall always be balanced with the needs of the school. In a search and seizure situation, the following procedures should be followed:

(a) A search of a student's person should be limited to a situation where the administration has reasonable belief that the student is concealing evidence of an illegal act or school rule violation.

(b) Dangerous items (such as firearms, weapons, etc.) and other items which may be used to substantially disrupt the educational process may be temporarily removed from the student's possession.

(c) A general inspection of school properties including, but not limited to, lockers or desks may be conducted on a regular basis. Illegal items and items belonging to the school or another person may be seized.

(d) All items seized may be returned to the proper authorities or the true owner.

(e) The student should be given the opportunity to be present when a search of personal possessions is conducted, if there is no reason to believe that his presence would be a threat to the safety of himself or others.

(f) When an interrogation takes place in school (in relation to a locker search) by a law enforcement official or police, the student should be advised of his rights by the proper authority, including the right to counsel and the right to remain silent.

Accompanying Conditions

Students shall not bring to school firearms or other possessions reasonably determined by the school board's policy to be a threat to the safety or security of himself or others.

Marriage, Pregnancy and Parenthood

Philosophical Basis

The status of married and pregnant students in Minnesota public high schools needs redefinition. It is expensive and embarrassing for a school district to defend a restrictive policy on the grounds that the policy offers protection to the student from potential health hazards. This attitude and policy affecting these students are seldom in accord with the changing times. It is clear, therefore, that school officials will have to deal with the fact that there are more married and pregnant students who wish to continue their education in the public schools than ever before. The main point is that restrictive policies in schools may run counter to the legal right to attend school.

It seems, therefore, that some practices of school districts need to be examined. Specifically, one may refer to the following issues:

(1) Pregnant girls who receive home instruction alone feel that it promotes neither learning nor a healthy mental attitude.

(2) Teachers often are not available to provide home instruction on a regular basis—especially when they are required to provide the instruction after hours.

(3) Girls receiving home instruction miss some of the obvious benefits of a classroom environment: the give-and-take between teachers and students, teacher assistance, school facilities and regular hours.

In short, homebound instruction is not recommended as an approach to the issue of pregnant students.

Guidelines

(1) The right to participate in all the activities of the school must not be restricted solely because of marriage, pregnancy, or parenthood.

(2) Students should have access to professional staff such as counselors, psychologists, social workers, or nurses who are qualified to provide objective information to students concerning marriage and pregnancy.

(3) The schools should make every effort to pro-

vide programs and services appropriate to the special needs of married students or expectant parents. Such programs may include child care classes for student mothers and fathers or placement in maternity homes with adequate educational programs.

Student Records

Philosophical Basis

Student records contain, among other things, a record of the student's conduct. Clear policies are needed regarding these records and care must be exercised in the use of student records. The publication, *Guidelines for the Collection, Maintenance and Release of Pupil Records*, is available from the Publications Section, State Department of Education, 715 Capitol Square, 550 Cedar Street, St. Paul, Minnesota 55101. Chapter 479, Minnesota Laws 1974 and Public Law 93-380 should be examined in conjunction with the state guidelines when developing local district policy.

Guidelines

(1) All student records should be confidential. Personnel having access to student records shall not violate the confidentiality of those records.

(2) The administration shall establish rules and regulations to provide that the content and meaning of records maintained by any school in their district shall be available to any pupil or parent of a child under 18 requesting to see such records. Psychological data, should be released by an individual qualified to explain or interpret the records.

(3) Access to records or transcripts cannot be denied because of failure to pay fees such as book fines.

Use of Tobacco

Philosophical Basis

Smoking has long been a problem for school staff, and now that 18 year olds are considered adults, this problem may become more complex. Considering the fact that smoking is injurious to one's health, schools should continue to discourage young people from taking up the smoking habit. This should be done through educational programs or seminars which point out to young people the dangers of smoking and also through reasonable rules that prohibit smoking in the general school building, on the school premises, or at school functions. Such programs or seminars should be designed to help students:

(1) Know how the respiratory system works;

(2) Know how cigarette smoking interferes with the respiratory and circulatory systems;

(3) Understand scientific facts and statistical evidence on the dangers of smoking;

(4) Develop an understanding of cancer and emphysema; and

(5) See the fallacies in cigarette advertising.

Guidelines

All authorized users shall be allowed to possess, smoke, or use tobacco under the following conditions:

(1) Tobacco users shall be 18 years of age or older.

(2) Tobacco users shall carry proof of age and be willing to show such proof when asked by the appropriate school administrator.

(3) Tobacco users will confine their use to times and places designated by the district school board, when such policy exists.

(4) Tobacco users are liable for their habit to the extent that it may preclude their participation in activities or projects or assignments wherein their use of tobacco would reduce their effectiveness below minimum levels of performance.

Suspension, Expulsion and Exclusion

Philosophical Basis

(1) An awareness of rules on the part of students and administrator of the most recent Minnesota Law, the "Pupil Fair Dismissal Act" (Chapter 572), regarding pupil dismissal may minimize discipline problems. This law emphasizes the *prevention* of dismissal through early detection of behavioral problems and methods whereby fairness in dismissal shall be assured each student. A copy may be purchased from the Documents Section, Department of Administration, Room 140, Centennial Building, St. Paul, Minnesota 55155.

(2) Schools must clarify rights and procedures that assure fair treatment for each student in a learning environment. The school is responsible for maintaining this learning environment before, during, and after dismissal. This may include home bound instruction, assistance from community agencies, tutoring, attendance in other school districts, and other alternative educational programs. Based on the contents of Chapter 572, the following guidelines have been developed:

Guidelines

(1) Rights:

(a) Fair treatment for each student shall be such as to protect him from arbitrary and unreasonable decisions.

(b) All decisions affecting students shall be based on careful investigation of the facts and the fair application of rules and regulations.

(c) All students shall be apprised of the school rules and procedures by which schools are governed and the processes by which discipline may be involved.

(2) Accompanying Conditions:

(a) Students shall comply with reasonable school board rules, pursue a suitable course of study, and shall submit to the lawful authority of school officials.

(b) The following type of conduct shall make the student liable for suspension or expulsion:

1. *Disruption of the Education of Others*—Any

conduct that is likely to or "substantially disrupt" the educational process.

2. *Violation of School Rules*—Such school board rules must be reasonable, clear and provided in writing to each student.

3. *Damage or Destruction of School Property*—A student shall not cause or attempt to cause damage to school property or steal or attempt to steal school property.

4. *Damage or Destruction of Private Property*—A student shall not cause or attempt to cause damage to private property or steal or attempt to steal private property either on the school grounds, or during a school activity, function, or school event off school grounds.

5. *Threats or Assault on a School Employee, Another Student, or Other Persons Who May Be Visiting the School*—A student shall not intentionally do bodily injury to any person or threaten any person, or be involved in intimidation, harrassment, or extortion, or knowingly possess, handle, or transmit any object that can reasonably be considered a weapon:

a. On the school grounds during and immediately before or immediately after school hours;

b. On the school grounds at any other time when the school is being used by a school group; or

c. Off the school grounds at any school activity, function, or event.

6. *Narcotics, Alcoholic Beverages, and Drugs*—A student shall not knowingly possess, use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind:

a. On the school grounds;

b. Off the school grounds at a school activity, function, or event.

Use of a drug authorized in accordance with a medical prescription from a registered physician for use *during* school hours shall not be considered a violation of this rule.

(3) Rights:

(a) Definitions:

1. *Class Dismissal*—is defined as excluding a pupil for one subject period or mod.

2. *Suspension*—is defined as prohibiting a pupil from attending school for a period no longer than five days. This definition does not apply to dismissal from school for one school day or less.

3. *In-house-suspension*—is defined as providing a pupil with an educational program in a special classroom under the supervision of a certificated teacher. The certificated teacher works closely with the pupil's teachers, counselors or psychologists, and outside agencies in developing the best educational program for the pupil. This procedure may be considered as an attempt to provide an alternative program prior to dismissal (See ch. 572, sec. 4).

4. *Expulsion*—is defined as prohibiting a pupil

from attending school for a period no longer than the current school year.

5. *Exclusion*—is defined as prohibiting the enrollment or reenrollment of a pupil for no longer than the school year.

(b) Class Dismissal Procedure:

1. A teacher may not exclude a student from a class without good and sufficient reason. The teacher should report this to the principal.

(c) Suspension Procedures:

1. The student is informed of the charge by an administrator at an administrative conference, including the specific acts that support the charge, and that he is suspended. In suspensions, the student may be sent home for no longer than a *five school day* period.

2. The parents or guardians are notified by telephone whenever possible prior to the suspension and are informed as to the reasons for the dismissal. When parents cannot be contacted, the decision to send the student home, to allow him to remain on school premises, or refer him to the proper authorities must be made with consideration of that student's age, safety, maturity, and the nature of the misconduct that caused the suspension.

3. A *certified letter* is mailed to the parents or guardians with a copy of the "Pupil Fair Dismissal Act," stating time, date, charge, and specific acts that support the charge(s) for the suspension. Procedures to be followed by the student and his parents or guardians for reinstatement should be included in the letter.

4. School district boards shall provide students suspended under emergency conditions with the above suspension procedures as soon as the emergency condition has passed. These procedures may be postponed in emergency situations relating to health and safety. Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.

(d) Expulsion and Exclusion Procedures:

1. A school district board shall not expel or exclude a student without a hearing, unless *he and his parent or guardian* waive, in writing, the right to a hearing. By waiving the right to a hearing, the student and his parent agree to abide by the findings of the school board. Expulsion hearings shall contain provision for the following:

a. The student is notified in writing of the specific charge or charges, the right to a hearing, and his right to be represented by counsel.

b. A notice shall also be sent to the parent or guardian by *certified mail* citing the charges, and the specific acts that support the charge or charges, and a copy of the "Pupil Fair Dismissal Act." The notice shall state a recommendation of action pending investigation for possible expulsion or exclusion, the right to a hearing, and his (or their) right to representation.

c. The student shall be permitted to have a representative(s) present at the hearing to advise him. The representative may be an attorney, parent, or guardian.

d. The student shall be afforded the right to present evidence, including expert psychological or educational testimony. The pupil may not be compelled to testify in the proceedings.

e. The student shall be permitted to hear the evidence presented against him.

f. The hearing officer shall determine the facts of each case on the evidence presented at the hearing. He shall submit to the board his recommendation as to the facts and whether or not the pupil charged is guilty of the conduct alleged, and his decision of disciplinary action, if any, including the duration of any expulsion or exclusion. The above recommendation shall be made available in identical form and at the same time to the board and the student and his parents.

g. Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearing officer's control of the hearing. He shall have the power to issue subpoenas and administer oaths.

h. The hearing officer shall make a record of the hearing at the expense of the school district.

i. The local district board shall review the decision of the hearing officer and may affirm, modify, or reverse his decision.

j. Expulsions or exclusions shall not extend beyond the end of the current school year.

k. An exclusion or expulsion decision may be appealed to the Commissioner of Education.

l. The school board shall report each exclusion or expulsion within 30 days of the effective date to the Commissioner of Education.

m. The decision of the Commissioner shall be subject to judicial review in the district court.

Credits

There are several persons who have stimulated and influenced the development of this document—to them we are extremely appreciative. We would be remiss if we did not acknowledge some of these persons in particular.

Dr. Michael A. Appleman, Student Rights Program Coordinator, is the primary author of the publication and has coordinated the input from various teachers, administrators, students, parents, and lawyers. Mr. Farley Bright, Deputy Commissioner, has provided guidance and direction throughout the conceptualization and development of the document.

Debbie Engen, 1973 Minnesota Association of Student Councils President, obtained endorsement of this document from the Minnesota Association of Student Councils' Executive Board as well as the Minnesota Association of Secondary School Principals.

The ad hoc committee, including prominent educators, legislators, lawyers, and citizens from Minnesota, spent many hours reviewing and discussing the preliminary materials for these state guidelines. Appreciation is expressed to the Attorney General's Office, Minnesota Civil Liberties Union, the Minnesota Association of Secondary School Principals, Minnesota School Boards Association, Minnesota Association of School Administrators, Legal Aid Society, Governor's Commission on Crime Prevention and Control, Enablers, and the staff at the Department of Education.

An Invitation

In preparing a new Special Report on the current status of students rights and responsibilities, the National School Public Relations Association and the editors of *Education U.S.A.* wish to draw heavily on the experiences, both positive and negative, of school districts all across the country. We invite each school district to share with us policy statements and case histories of incidents or situations in which the policies were helpful or out of which these policies and guidelines developed. All such information should be sent to the Director of Editorial Services, National School Public Relations Association, 1801 North Moore St., Arlington, Virginia 22209.

Model Code of Student Rights and Responsibilities

Center for Law and Education
Cambridge, Massachusetts 02138

INTRODUCTION

This model code has been developed by the staff of the Center for Law and Education. It contains suggested provisions for local school regulations covering a wide range of student rights and responsibilities. Some areas of the code -- particularly portions of the sections on freedom of expression, due process, right to education, and student records -- reflect the legal rights of students, as found in the United States Constitution and federal and state statutes and as interpreted by the courts. Other sections, while not based on legal requirements, are based on what we believe to be sound educational policy considerations.

The model code is designed for use in conjunction with a companion book, Codes of Student Rights and Responsibilities, also published by the Center for Law and Education. That book contains each provision of the model code, immediately followed by alternate provisions from other codes for purposes of comparison and contrast, together with legal analysis and policy justifications for the model provision. Also included are introductory materials on various issues: the relationship of student rights and student codes to educational problems, including school violence and disorder; legal issues in the use of codes; the case for student participation in decision-making and the forms that such participation might take; age levels and the exercise of rights; the role of teachers and parents; student responsibilities; discipline and due process; and drafting, negotiating, and enforcing codes. The book also indicates which provisions of the model code were adapted from other codes, such as the National Education Association code or codes in force in various cities. Readers are urged to consult that book when using the model code.

This model code is intended as a starting point. Revisions will of course be necessary in order to adapt it to the needs of any individual school system. In particular, a careful search for possible conflicts with state statutes should be part of the process of drafting a local code.

Paul Weckstein
December, 1975

Notice

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1 DISTRIBUTION OF CODE

After adoption, this Code and any subsequent modifications shall not go into effect until they have been distributed to students, parents, and faculty members. Thereafter, at the beginning of each school year this Code and any additional rules governing student conduct shall be distributed to students, parents, and faculty members and shall be posted in conspicuous places. (For amendment, see Sec. 3.6.)

2 RIGHT TO EDUCATION

ALL STUDENTS HAVE THE RIGHT TO A FULL AND ADEQUATE EDUCATION WHICH ENABLES THEM TO DEVELOP AN ACTIVE UNDERSTANDING OF THEMSELVES AND THEIR SOCIAL AND PHYSICAL ENVIRONMENTS AND TO ACQUIRE THE BASIC SKILLS WITH WHICH TO SHAPE THEIR LIVES IN ACCORDANCE WITH THAT UNDERSTANDING.

These basic skills include, but are not limited to, functional literacy.

2.1 Nondiscrimination

The right of any person to participate fully in classroom instruction and extracurricular activities shall not be denied or restricted because of sex, race, religion, national origin, or economic class.

2.1.1 Marriage, Parenthood, Pregnancy

The right of any person to participate fully in classroom instruction and extracurricular activities shall not be denied or restricted because of marriage, pregnancy, or parenthood. A pregnant student shall also have the right to:

a. temporarily and voluntarily withdraw from regular classroom instruction at any time during her pregnancy and/or for any period up to two months after the birth of the child, up to a total of five months;

b. have full use of her regular textbooks and be provided with the assignments and tests for the classes from which she has temporarily withdrawn;

c. participate at no cost in any alternative forms of instruction such as night school, tutoring, televised instruction, or correspondence courses; and

d. be readmitted at any time, subject to her doctor's permission, to regular classroom instruction and placed in classes according to the quality of her work as if she had not been absent from regular classroom instruction.

2.1.2 Age

The right of any person to participate fully in classroom instruction and in non-competitive extracurricular activity shall not be denied or restricted because he/she is older than other students.

2.1.3 Students with Special Needs

1. No person may be denied a publicly supported education because of handicap, regardless of severity.

2. Every student with special needs or impairments shall have the right to be part of regular classroom and extracurricular activity to the greatest extent practicable.

3. The school shall develop procedures to insure:
   a. That students in need of specialized instruction because of special needs or impairments receive it; and
   b. That no student is placed in any special classes or programs for mentally, emotionally, behaviorally, or physically impaired students without a proper and full diagnostic evaluation and a determination that such class or program would substantially improve the student's ability to benefit from school attendance; and
   c. That any student placed in any such special class or program is "mainstreamed" to insure as much participation in the regular classroom and other activities of the school as practicable; and
   d. That the educational status of each such student is reevaluated on a regular basis; and
   e. That each student and his/her parent are given the opportunity to challenge any decision under a, b, c, or d above at a full and fair hearing before an impartial hearing officer or panel and are given adequate notice of this right.

4. No student may be involuntarily classified (i.e. without the consent of both student and parent) into any such special class or program unless:
   a. the procedures mandated above have been followed; and
   b. there has been a due process determination that the student's continued attendance in his/her regular program presents a clear, present, and continuing danger of physical harm to himself/herself or others or of substantial and material disruption of the educational process.

For the purpose of making this latter determination of continuing danger, the student and parent shall be afforded a full hearing before a panel as constituted in the due process provisions of this Code, together with all other due process rights set forth in this Code, including the right of appeal. (see Sec. 8.3, 8.5)

5. A student involuntarily classified under the procedures in paragraph 4, or the parent of such student, may reject the classification and choose full expulsion from school attendance. (see Sec. 7.5.8, paragraph 2; Sec. 8.6, paragraph 6)

2.2 Fees

1. The school shall provide to every student all textbooks and supplies needed for each course in which the student chooses to enroll.

2. The school shall not charge a fee in any form to students for participation in any school-sponsored activity, including clubs, dances, and athletic events.

2.3 Education for Excluded Students

See Sec. 8.6.

3 GOVERNANCE

STUDENTS SHALL BE GIVEN FAIR AND ADEQUATE REPRESENTATION IN THE FORMULATION OF POLICIES GOVERNING THE SCHOOL. SUCH REPRESENTATION SHALL BE SELECTED BY TRADITIONAL DEMOCRATIC PROCESSES, AND SHALL EXTEND TO AREAS INCLUDING CURRICULUM, DISCIPLINE, STAFF SELECTION AND EVALUATION, OBTAINING AND DISTRIBUTING SCHOOL FUNDS, AND OTHER MATTERS WHICH AFFECT STUDENTS.

3.1 Joint Committees

Students shall be voting members of standing and special committees concerned with all institutional policies, including curriculum, discipline, staff selection and evaluation, and obtaining and distributing school funds.

1. The number and length of term of non-student members of such committees shall be so limited as to give the student representatives effective influence.

2. Parents shall be given committee membership in those areas deemed appropriate.

3. In cases where the parties cannot agree upon the numbers and terms of student or non-student members, the dispute shall be decided by the School Appeals Board. (see Sec.3.4.2)

4. Student members shall be selected in a manner to be determined by the student body. (For the specific form of certain committees see Sec. 3.3.1, "Curriculum Committee;" 4.2.4.3, "Speakers and Forums;" 5.1.4, "Records: Collection of Information;" 5.1.8.1, "Records: Release Within the School;" 5.5, "Police in the Schools;" 5.6, "Outside Agencies;" 7.7, "Discipline: Establishment of Procedures." See also Sec. 3.4.2, "Grievances: School Appeals Board;" 8.4.5.1 and 8.5.5.1, "Due Process: Hearing Panels.")

3.2 Formulation of Rules and Regulations

The rights of students to fair and adequate representation in the formulation of policies extend to the formulation of rules and regulations. See Sec. 3.1, "Joint Committees;" Sec.6, "Standards of Conduct;" and Sec. 7.7,"Discipline: Establishment of Procedures;" for the form of this representation.

In no case may any rule or regulation violate any provision of this Code. The provisions of this Code may be modified only through the amendment process described herein. (see Sec. 3.6)

IN NO CASE MAY ANY RULE OR REGULATION INFRINGE UPON ANY RIGHT GRANTED BY THE UNITED STATES CONSTITUTION, SUCH AS THE RIGHTS OF FREE EXPRESSION.

3.3 Curriculum

AS THE PRINCIPAL CONSUMER OF THE EDUCATIONAL SERVICES WHICH THE SCHOOL EXISTS TO PROVIDE, EVERY STUDENT HAS A RIGHT TO EVALUATE THE QUALITY AND RANGE OF THOSE SERVICES AND THE MANNER IN WHICH THEY ARE DELIVERED AND TO HAVE HIS/HER APPRAISAL GIVEN SERIOUS CONSIDERATION BY THOSE RESPONSIBLE FOR PROVIDING SUCH SERVICES.

AS A PERSON WITH A UNIQUE SET OF POTENTIALITIES TO BE ACTUALIZED, AND AS A FREE HUMAN BEING RESPONSIBLE FOR CARVING OUT HIS/HER OWN DESTINY, EVERY STUDENT HAS A RIGHT TO PARTICIPATE TO A SUBSTANTIAL DEGREE IN THE SHAPING OF HIS/HER OWN EDUCATIONAL PROGRAM.

3.3.1 Curriculum Committee

The school must provide an educational program that is adequate by the standards of students, teachers, the community, and the administration. As a structure to insure such adequacy, a committee shall be established, made up of representatives selected by and from the first three groups and including administration representation.

1. This committee shall determine and periodically re-evaluate the philosophy of the school and the objectives of the educational process of the school.

2. The range of programs selected to achieve these objectives shall be limited only by the availability of teachers, facilities, and funds.

3. The interests of those who disagree with the committee's decisions shall be protected by provision for petition for the starting or continuation of any learning activity. Such petition shall take effect when signed by a specified and reasonable number of students.

3.3.2 Within-Course Planning, Implementation, and Evaluation

Each individual or group studying a particular topic must determine, jointly with the teacher, the purposes and content of the learning activity, means of attaining the goals, and means of evaluating individual progress. Students must be responsible for attempting to reach the stated goals. (see Sec. 4.2.1, "Free Speech and Inquiry")

3.3.3 Independent Study

A student may wish to study a topic for which assembling a group of students is either impossible or undesirable. He/She must be able to set up a program of independent study of this topic, with whatever assistance from the staff he/she and the staff members involved consider necessary. Students should have access to learning experiences outside the school or operated by non-school groups, such as free universities or community centers.

3.4 Grievances

3.4.1 Informal Disposition

1. Students, student groups, and staff may present petitions and oral or written complaints and grievances to any member of the school community.

2. If a student or student group with a grievance so desires, an ombudsperson may accompany the student or group at this stage. (see Sec. 3.4.3)

3. The right to petition for redress of grievances shall in-

clude the right to a prompt and meaningful response.

3.4.2 School Appeals Board

IF A COMPLAINT OR GRIEVANCE ON ANY SCHOOL-RELATED MATTER IS NOT SETTLED INFORMALLY TO THE SATISFACTION OF A STUDENT, STUDENT GROUP, OR STAFF MEMBER, THAT PERSON(S) MAY FILE A GRIEVANCE, COMPLAINT OR PETITION BEFORE THE SCHOOL APPEALS BOARD.

1. The School Appeals Board shall be composed of:
   2 students from each grade (i.e., two sophomores, two juniors, two seniors) -- to be selected in a manner to be determined by the student body;
   4 teachers -- to be selected by the teaching faculty;
   2 administrators -- the principal and/or his/her delegate(s). The board shall be selected annually. All decisions of the board shall be by majority vote.

2. The grievance may be against action taken (or not taken) by any student, student group, teacher, administrator, committee, or other staff member or body within the school.

3. The School Appeals Board shall conduct a thorough investigation into the matter under consideration.

4. In accordance with procedures determined and published by the School Appeals Board, it shall conduct a hearing upon request of the person(s) filing the grievance or upon its own initiative.

5. A student or student group which has filed a grievance may seek the help of an ombudsperson in the proceedings before the School Appeals Board. The student(s) may be accompanied by the ombudsperson at any hearings.

6. The School Appeals Board has the power to take such action, and to direct others to take such action, as it deems appropriate. This power extends to whatever extent the school as a whole has the power to act, provided that no such action may infringe upon any right guaranteed by this Code or by the United States Constitution. The decision of the School Appeals Board is thus final at the school level.

7. The Governance Board shall establish procedures to insure that grievances are handled promptly. In no case may a decision be postponed for more than ten days from the filing of a grievance without the consent of the person(s) making the complaint.

3.4.3 Ombudspersons

In order to assure that each student is informed concerning his/her rights and responsibilities as provided in this Code, there shall be ombudspersons who shall be trained to offer counsel as to students' rights.

1. Ombudspersons shall be elected annually by or composed of members of the student government or elected by the student body at large.

2. The number of ombudspersons needed shall be determined by the student government in consultation with the principal.

3. Ombudspersons shall serve voluntarily and may be qualified students of the school, parents, teachers, counselors or members of the community.

4. The student government is responsible for insuring that ombudspersons are properly trained. The administration and the School Appeals Board shall offer appropriate assistance to the student government in securing such training.

5. In no case shall an ombudsperson supersede a student's rights to legal and/or parental representation and counsel.

3.5 Student Government

STUDENTS HAVE THE RIGHT TO AN INDEPENDENT, DEMOCRATIC FORM OF SELF-GOVERNMENT.

1. All students have the right to seek and hold office. Any restriction of this right, such as minimum-grade-average requirements, is invalid.
2. All students shall be allowed to vote.
3. The government shall be elected annually.
4. All candidates have the right to wage a campaign with full use of school facilities. (see Sec. 4.2.4, "Access to School-Controlled Media")
5. All nomination and election procedures must be established and carried out by students without interference from any other segment of the school community.
6. The student government has the responsibility to hear minority groups with special interests and to guarantee them fair representation in student government.
7. The organization, operation and scope of the student government shall be specified in a written constitution formulated and adopted by the students.

8. The student body or its representatives must determine student government's responsibilities regarding matters of solely student concern.

9. Extracurricular activities shall be conducted under guidelines established by the student government. (see Sec. 4.2.9) The student government shall have the sole power to allocate student activity funds, subject to established audit controls and the bylaws of the Board of Education. All money raised by extracurricular activities shall go into a separate student bank account. Should any individual organization raise funds for itself, any such funds shall be deposited in the student account in the name of that organization and shall be solely available for that organization's use.

10. The responsibilities of student government in matters that affect groups other than students shall be determined by representatives selected by and from the student body, faculty, and administration in mutually acceptable proportions. (see Sec. 3.1, "Joint Committees")

11. The student government shall have access to school media facilities, including a number of assembly programs to be determined by the above student-faculty-administration committee.

3.6 Amendment of Code

No amendment of this Code shall be effective unless ratified by a two-thirds vote of the student body. (For distribution, see Sec. 1.)

4 FREEDOM OF EXPRESSION

THERE SHALL BE NO RULES OR REGULATIONS GOVERNING STUDENT CONDUCT WHICH SHALL IN ANY WAY INTERFERE WITH OR INHIBIT THE RIGHTS OF STUDENTS TO EXERCISE FREE SPEECH, FREE PRESS, FREEDOM OF ASSEMBLY, FREEDOM OF ASSOCIATION, FREEDOM OF RELIGION, OR THE RIGHT TO PETITION FOR REDRESS OF GRIEVANCES. EACH OF THESE RIGHTS IS GIVEN TO ALL CITIZENS BY THE UNITED STATES CONSTITUTION. THE EXERCISE OF THESE RIGHTS MAY NOT BE DENIED OR RESTRICTED EXCEPT WHERE SUCH ACTIVITY DIRECTLY CAUSES, OR IS CLEARLY AND IMMEDIATELY LIKELY TO CAUSE, IMMINENT PHYSICAL HARM OR THE SUBSTANTIAL AND MATERIAL DISRUPTION OF THE EDUCATIONAL PROCESS.

A joint committee, consisting of equal numbers of students on the one hand and teachers and administrators on the other, shall draw up regulations which specifically define those situations which constitute "substantial and material disruption of the educational process," such as blocking access to buildings or rooms. These regulations shall be drawn as narrowly as possible to avoid unnecessary interference with rights of free expression. No exercise of these rights shall be denied or restricted on the grounds of substantial and material disruption unless the specific terms of the regulations have been met. (see Sec. 3.1)

4.1 General Provisions

4.1.1 Controversial Opinions

The expression or dissemination of controversial, provocative, or unpopular opinions does not in itself constitute substantial and material disruption. Responsibility for the reactions of others in response to such expression or dissemination lies with the persons who so react.

4.1.2 Defamation and Obscenity

In exercising their rights to freedom of expression, students, like other citizens, are responsible for compliance with existing laws concerning defamation and obscenity. The school is not responsible for enforcing these laws. Students who are in doubt as to whether a statement is defamatory or obscene should seek the advice of a school ombudsperson or other impartial legal authority in order to protect themselves. (For ombudspersons, see Sec. 3.4.3)

4.1.3 Prior Restraint

The school shall avoid any prior censorship or review or other action placing restraints on ideas prior to their expression or dissemination.

4.1.4 Location of Expression or Dissemination

Freedom of expression must not be restricted to areas especially designed for meetings, indoors or out. An effective opportunity to reach others whose interest a student may desire to attract may appropriately extend to other facilities on campus. There must be no special restriction on expression of opinion or distribution of printed matter in places of general public access, including school buildings and grounds, and including display of materials on bulletin boards, other than these contained in this Code. (see Sec. 4.2.5.3, "Free Press: Manner of Distribution")

4.1.5 Clear and Precise Regulations

Any rule made regarding any aspect of freedom of expression must be stated with clarity and precision.

4.1.6 No Punishment or Harrassment

No student shall be subjected to intimidation, harassment, academic penalties, or disciplinary action for any beliefs which he/she holds or for the proper exercise of the right to express and disseminate those beliefs.

4.1.7 Right to Review

Any student or student group deprived of freedom of expression under any of these provisions shall have the right to file a grievance and request for a hearing before the School Appeals Board. The Appeals Board shall determine whether such deprivation is justified under these provisions. At the hearing, the school shall have the burden of justifying its action. (see Sec. 3.4.2)

(Note: The above provisions apply to all forms of expression, as set out in Sec. 4. In addition, the provisions below apply to specific forms.)

4.2 Specific Forms of Expression

4.2.1 Free Speech and Inquiry

Freedom of speech is guaranteed to all citizens and must be guaranteed by the school for all students. Students shall have the opportunity to investigate all facets, sides, and/or opinions of and about any and all topics and materials introduced or presented and teachers shall have a special responsibility to provide such opportunity with regard to those which are or may be of a controversial nature. Such materials presented to students must be relevant to the course and appropriate to the maturity level and intellectual ability of the students. The teacher shall further be responsible to permit the expression of the views and opinions of others and to encourage students to examine, analyze, evaluate, and synthesize all available information about such topics and materials and to encourage each to form his/her own views and opinions through such procedures. Teachers shall at all times strive to promote tolerance for the views and opinions of others and for the right of individuals to form and hold differing views and opinions.

While conduct which demonstrably prevents the learning process from continuing may be restricted in the classroom, the expression of critical judgments about the content or operation of the course does not in itself constitute interference with the learning process. (see Sec. 3.3.2, "Within-Course Planning, Implementation, and Evaluation")

4.2.2 Symbolic Expression

The wearing of buttons, badges, or armbands bearing slogans or sayings shall be permitted as another form of expression subject to the provisions of this Code.

4.2.3 Personal Appearance

As an individual with freedom to adopt and express unique tastes, every student has a right to choose his/her own manner of dress and otherwise to arrange her/his personal appearance under no restriction (other than those dictated by consideration of health and safety) that does not by law apply to adult citizens in the larger community.

A student may not be prohibited from participation in extracurricular activities or school athletics because of his/her dress or appearance, unless it constitutes a danger to health or safety, or prevents her/his full participation by physically impairing her/his ability to perform.

4.2.4 Access to School-Controlled Media

Students shall have access to school-controlled media, such as public address systems, closed-circuit television, assembly programs, newspapers, bulletins, bulletin boards, and duplicating equipment. Use of media shall be subject to reasonable rules jointly determined by students and staff. (see Sec. 3.1, "Joint Committees") These rules may regulate manner, time, place, and limitations on expense in the use of media.

4.2.4.1 Balanced Presentation

In media presentations, students should be given the opportunity to be presented with alternative views. The school, however, may not require students to present or hear both sides of any issue, for this is a right, not a duty.

4.2.4.2 Identification

Students and student groups responsible for oral or written communications which make use of school-controlled media facilities may be required to include some form of identification in the communications.

4.2.4.3 Speakers and Forums

1. Students and student organizations must be free to invite and hear any person of their choosing.

2. Demonstrations threatened in the event of a particular program must not be regarded as grounds for withholding permission for the program. They are expressions of opinion, subject to the specified limitations on such expression.

3. Official school assembly programs and forums should be planned and selected by a joint committee of equal numbers of students and staff. (For joint committees, see Sec. 3.1.)

4. If a school allows some outside speakers to use school facilities, it may not deny other speakers the use of these facilities merely because such speakers are deemed controversial or undesirable.

4.2.4.4 Bulletin Boards

1. Ample bulletin board space shall be provided for the use of students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students.

2. Regulations may require that notices or other communications be dated before posting and that such material be removed after a prescribed reasonable time to assure full access to bulletin boards.

3. School authorities may restrict the use of certain bulletin boards to official school announcements.

4.2.5 Free Press

4.2.5.1 Official Student Publications

1. Official school publications, such as the student newspaper, shall reflect the policy and judgment of the student editors, free of censorship or prior restraint.

2. When such publications are dependent upon institutional funding, the school must refrain from using its financial power as a means of control.

3. Guidelines for any such publication -- including policies concerning publication of libelous or obscene material -- shall be consistent with governing legal standards and shall be established by a panel selected in equal numbers by and from the student body on the one hand and the faculty and administration on the other. In no case may content of the publication be censored by this panel or any other agent. (see Sec. 4.1.2, "Defamation and Obscenity")

4. The student staff shall be aware of its legal responsibility for the consequences of failing to follow the guidelines. When they are in doubt as to whether a statement is libelous or obscene, they should seek the advisory opinion of an ombudsperson or other impartial legal authority in order to protect themselves.

5. Students and student groups who are not members of the staff shall have access to the pages of the student newspaper. The criteria for submission of material by non-staff members shall be published and distributed to all students.

6. All staff members of student publications shall be selected by students, and no external agency may have power to appoint or remove such personnel.

7. The staff must be protected from removal or reprisal caused by faculty, administration, or public disapproval of editorial policy or content. It should also be protected from removal or reprisal caused by a small vocal minority of students. If the publication's policy-making panel charges a staff member with deliberate malice or deliberate distortion, the validity of the charge must be determined through due process before student action based on it is requested. (see Sec. 8.3)

4.2.5.2 Non-School-Sponsored Literature

1. Students shall have the right to publish on their own, to possess, and to distribute on school grounds and in school buildings any form of non-school-sponsored printed matter, subject to the distribution provisions of this Code.

2. The content of any such literature is not subject to censorship or prior restraint.

3. Students who publish or distribute such literature should be aware of their legal responsibility for libelous or obscene material. When they are in doubt as to whether a statement is libelous or obscene, they should seek the advisory opinion of an ombudsperson or other impartial legal authority in order to protect themselves. (see Sec. 4.1.2)

4. Jointly-formulated regulations may restrict the distribution of materials whose primary purpose is the promotion

of commercial goods and services sold for profit. Such regulations, however, may not prohibit the sale of literature or the use of advertising in literature to cover printing costs, nor may such regulations interfere with the right to advocate political causes. (see Sec. 3.1, "Joint Committees)

4.2.5.3 Manner of Distribution

1. Jointly-formulated regulations may prohibit the distribution of student publications and other literature by or to students engaged in, or supposed to be engaged in, normal classroom activities.

2. Distribution shall be conducted in a manner which does not interfere with the normal flow of traffic within the school and at exterior doors.

3. Distribution shall be conducted in a manner so as to prevent undue levels of noise which interfere with normal classroom activities.

4. Students distributing literature shall not interfere with the rights of others to accept or reject such literature.

5. There shall be no other regulation of the distribution process except, as with other modes of expression, where such activity directly causes, or is clearly likely to cause, imminent physical harm or the substantial and material disruption of the educational process.

6. Under these standards, littering is not a sufficient ground for limiting the right to distribute material. As with other modes of expression, responsibility for littering and other reactions to distribution lies with those who react.

4.2.6 Flag Ceremonies, Etc.

Students may choose not to participate in pledges of allegiance, flag salutes, national anthems, and similar ceremonies. Students choosing not to participate in any such ceremonies may stand or sit quietly or leave the classroom.

4.2.7 Freedom of Religion

No religious services, ceremonies, or observances may be conducted during the school day or at school-sponsored activities.

4.2.8 Freedom of Assembly

Subject to the provisions of this Code (Sec. 4-4.1.7), students have the right to assemble peacefully.

4.2.9 Freedom of Association — Student Organizations

Students may form political and social organizations, including those that champion unpopular causes.

1. In accordance with the non-discrimination provisions of this Code, no organization may restrict membership on the basis of sex, race, religion, national origin, economic class or any other arbitrary criteria. (see Sec. 2.1) Organizations may establish reasonable membership criteria if these are equally applied to all applicants; for example, requiring all French Club members to speak French.

2. A minimum grade-point average may not be required for non-academic activities and honors.

3. The allocation of school funds among student organizations shall be determined by the student government in accordance with the provisions of this Code. (see Sec. 3.5)

4. In order to qualify for school funds, office space, and regular meeting space, a student organization must register with the student government.

    a. The student government must register any group organized for a purpose not prohibited by law if the group submits the name(s) of member(s) designated as contact(s), its constitution and bylaws, if any, and the constitution and bylaws of any off-campus organization with which it is affiliated.

    b. A membership list may not be required for registration.

    c. No student group may be refused registration solely because it is affiliated with an off-campus organization.

    d. If an organization does not have a written constitution or bylaws it may submit a statement of its purposes.

    e. Each organization must submit to the student government the name of its faculty advisor, but an organization's registration must not be withheld or withdrawn solely because it is unable to obtain an advisor acceptable to the organization.

5. The function of the advisor is to counsel, not to control or censor, and she/he should not be held responsible for

the actions of the student group if it rejects her/his counsel.

6. Student groups shall have the same rights to freedom of expression, including access to school-controlled media, as provided to individuals under this Code.

7. Before a decision is reached to ban, discontinue, or discipline a student group, that group must be afforded a due process hearing in accordance with the disciplinary procedures of this Code. Such decision is subject to appeal to the School Appeals Board. (see Sec. 8.3)

4.2.10 Right to Petition for Redress of Grievances

Students and student groups have the right to present written and oral grievances and to have these grievances acted upon in accordance with Sec. 3.4 of this Code.

5 RIGHT TO PRIVACY

STUDENTS HAVE THE SAME RIGHTS OF PRIVACY AS ANY OTHER CITIZENS AND SURRENDER NONE OF THOSE RIGHTS BY BECOMING MEMBERS OF THE EDUCATIONAL COMMUNITY.

5.1 Records

Records are kept to assist the school in offering appropriate educational experiences to the student. The interest of the student must supersede all other purposes to which records might be put.

The privacy of student records is now protected under federal law by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).

5.1.1 Definitions

Student records shall be defined as any information concerning individual students maintained in any form and in any place by the school district or its employees, except for personal notes maintained by a teacher or other school employee solely for her/his own individual use and not communicated to any other person, other than by a teacher to the teacher's substitute. [See 20 U.S.C. 1232g (a) (4).]

The permanent record file (or transcript) shall be limited to: the name, address, and phone number of the student; birthdate; names, addresses, and phone numbers of parents; academic work completed; grades; and standardized achievement test scores.

Release shall mean any manner of communicating or allowing inspection of the contents of student records.

Parent shall mean father, mother, guardian, person who provides family foster care, or surrogate parent.

5.1.2 Grade Level and Student/Parent Exercise of Rights

The "Records" sections of this Code are applicable as written to the records of students who are in *HIGH SCHOOL*.

For records of students who are in *JUNIOR HIGH SCHOOL*, whatever rights are granted below to "the student" alone shall be exercised by student *and* parent jointly. Thus, whenever the student's consent *is* required below, consent must be obtained from *both* student and parent.

For records of students who are in *ELEMENTARY SCHOOL*, whatever rights are granted below to "the student" alone or to "student and parent" shall be exercised by the parent alone (except as set forth in paragraphs 5 and 6 of Section 5.1.5).

For students who are *18 YEARS OF AGE OR OLDER AND NOT DEPENDENTS*, whatever rights are granted below to "student and parent" shall be exercised by the student alone.

For students who have *GRADUATED OR OTHERWISE LEFT SCHOOL*, all rights granted below shall continue in force, to be exercised by the student and/or parent according to the age and grade-level standards above.

5.1.3 Notice to Students and Parents

The school shall notify students and parents, in their own language, at least annually, of:

a. the types of education records collected and maintained by the school which are directly related to students, and who has access to them and for what purposes (see Sec. 5.1.4, 5.1.8);

b. the name of the designated custodian(s) of records, and the procedures established for providing student and parent access to the records, including cost if any of reproducing copies of the records (see Sec. 5.1.5);

c. the policies for reviewing, challenging, and expunging records (see Sec. 5.1.6, 5.1.7);

d. other rights and requirements of this Code concern-

ing student records.
[see 20 U.S.C. 1232g(a) (5) (B) and (e)]

5.1.4 Collection of Information

1. No data concerning individual students may be collected from students, parents, or other persons not employed by the school district without consent. The consent may be individual or representational, as set forth below.

2. Representational consent by a joint committee, with student, parent, and staff participation, is sufficient for the collection of routine information regularly collected from entire grades or classes, such as standardized achievement tests. (For joint committees, see Sec. 3.1.)

3. In situations in which representational consent is sufficient, both students and their parents should be informed in advance, on an annual basis, of the purposes and character of the data collections. Such notice shall refer to their rights to view, challenge, and control the release of this data.

4. No other data concerning a student may be collected without the prior consent of that student. This includes, but is not limited to, information collected on an individual, selective basis, such as psychological and psychiatric examination.

5. No statement of consent, whether individual or representational, shall be binding unless it is freely given after those of whom consent is required have been fully informed, preferably in writing, as to the methods by which the information will be collected; the use to which it will be put; the methods by which it will be recorded and maintained; the time period for which it will be retained; and the persons to whom it will be available, and under what conditions.

6. Information in the student record shall be limited to information that is clearly and convincingly relevant to the educational needs of the student.

7. All entries in a student's record shall include the name, signature, and position of the person who has added such information and the date of entry into the record.

8. Only upon the specific written request of a student is any entry to be made regarding the student's political or social views, his/her membership in any organization other than honorary or professional organizations directly related to the educational process, or his/her religion.

9. No police action against a student may be recorded.

10. On entering into a situation such as an interview with a student in which she/he may informally gather highly personal data, a professional staff member must stress to the student that the student need not participate in the situation nor make any disclosure unless the student chooses to do so. No step may be taken to compel a student to participate in such a situation unless an existing danger to persons or to the continuation of learning activities demonstrably outweighs the privacy interest involved. (see Sec. 5.2, "Counseling and Confidential Communications")

11. The student and her/his parent have the right to be notified if adverse comments are placed in a student's record.

12. Collection of research data is subject to the above requirements of notice and consent even though the data are to be collected under conditions of anonymity.

5.1.5 Student and Parent Access

A student and his/her parent shall have access to all material in the student's record at reasonable times. [see 20 U.S.C. 1232g (a)(1)(A)]

1. In no event shall such access be delayed more than two school days after the initial request, without the consent of the student or parent.

2. Copies of any information contained in the student record shall be furnished to the eligible student or his parent upon request, for a reasonable fee not to exceed the actual cost of reproduction.

3. The student and his/her parent have the right, upon request, to meet with professionally qualified school personnel and to receive an interpretation of any of the contents of the student record.

4. The student and his/her parent may have the record inspected or interpreted by any third party of their choice. Such third party must present written consent of the student or the parent.

5. ELEMENTARY SCHOOL: A student in elementary school has a right to receive a copy of his/her transcript. (see Sec. 5.1.2)

6. ELEMENTARY SCHOOL: A student in elementary school may have access to all other records with the consent of his/her parent. (see Sec. 5.1.2)

5.1.6 Additions and Objections

A student and his/her parent shall be allowed to submit any material to the record including, but not limited to, written response to any material unfavorable to the student contained in the record. [see 20 U.S.C. 1232g (a)(2)]

5.1.7 Grievances

If a student's or parent's request that material be removed from the record is not favorably acted upon by a school employee, a student or parent has the right to formally challenge the retention or accuracy of any material through the grievance procedures of this Code. (see Sec. 3.4) [see 20 U.S.C. 1232g (a)(2)]

1. The School Appeals Board may delegate the hearing of such challenges to a special hearing panel or officer. In such case, the student or parent may appeal any decision of the Appeals Board itself in accordance with the grievance procedures of this Code.

2. When presenting a challenge, the student and her/his parent have the right to be represented by an advocate of their choosing, to cross-examine witnesses, to present evidence, to make a tape or other recording of the proceedings, and to receive a written decision within ten (10) days.

3. School officials shall have the burden of proof on issues presented by the student or his/her parent.

5.1.8 Release of Records

5.1.8.1 Within the School

Specific items in the student's record may be inspected by authorized school district employees who have a legitimate educational interest in the specific material to be inspected. [see 20 U.S.C. 1232g (b) (1) (A)]

1. Regulations governing what types of information shall be made available to which groups of employees shall be developed by a joint committee. (see Sec.3.1)

2. Any school employee desiring to inspect student records and authorized to do so must sign a log indicating the name and position of the employee, the date of the inspection, the specific items from the record to be inspected, and the reasons for the inspection. This log must be maintained in the student's record.

3. The custodian of the student's records shall then make available only those specific items which have been requested by the employee under authority of the regulations. (see

5.1.8.2 Outside the School System

Except for the provisions (5,6,7) below, no information in a student record shall be released to any third party not employed by the school district without the specific, informed, written consent of the student. [see U.S.C. 1232g (b)(1), (b) (2)]

1. Nothing can be construed to mean "informed consent" unless the student receives an explanation of who has requested the information, exactly what information is requested, and how this information is to be used by the requestor. [see 20 U.S.C. 1232g (b)(2)(A)]

2. When granting consent, the student shall have the right to designate which portions of the student record shall be released and shall not be limited to either accepting or rejecting the entire request.

3. Blanket permissions for release of data within an extended period of time may not be solicited, and are invalid if granted.

4. Any information released to a third party pursuant to this section (including information released pursuant to paragraph 5) shall contain a cover statement declaring that acceptance of the information constitutes agreement by that party that he/she will not permit any other party to have access to the information without the consent of the student as specified above. [see 20 U.S.C. 1232g (b)(4)(B)]

5. Pursuant to federal law, and subject to paragraph 4 above and the notice provisions set forth in paragraph 6 below, the school may release a student's records without consent in the following circumstances:

   a. to a school to which the student is transferring;
   b. to authorized representatives of (1) the Comptroller General of the United States; (2) the Secretary of Health, Education, and Welfare; (3) the U.S. Commissioner of Education, the Director of the National Institute of Education, or the Assistant Secretary for Education;or (4) State educational authorities when necessary in connection with the audit, evaluation, or enforcement of federally supported education programs; provided that no such records shall be collected in personally identifiable form by these officials, unless such collection in this form is specifically authorized by federal law;
   c. in connection with a student's application for, or receipt of, financial aid;
   d. to state and local officials or authorities who are

specifically required to collect such information pursuant to state statute adopted prior to November 19,1974;

e. to accrediting organizations in order to carry out their accrediting functions;

f. subject to the regulations of the Secretary of Health, Education, and Welfare, in connection with an emergency when release to appropriate persons is necessary to protect the health or safety of the student or other persons;

g. in connection with a court order or lawfully issued subpoena. [see 20 U.S.C. 1232g (b)(1),(2),(3)]

6. Where information is to be released without consent under one of the exceptions listed in paragraph 5 above, notice is required if the information concerns specific, selected students (rather than, for example, each of the students in an entire grade) and it is to be released in personally identifiable form.

a. The notice shall be sent, in written form, to both student and parent and shall describe the proposed release, their right to receive a copy of the data released, and their right to challenge the record's content.

b. Other than in an emergency under 5.f., the notice must occur prior to release, and the information shall not be released until the student and the parent have had a reasonable time in which to challenge the record's content.

c. In the case of a court order or subpoena under 5.g., the school shall notify the student and the parent as soon as it becomes aware of the order or subpoena, and such notification shall include notice of the student's and parent's legal right to contest the order or subpoena in court.

d. In the case of information released during an emergency under 5.f., the student and the parent shall be notified as soon thereafter as possible.

7. The school may release aggregate anonymous statistical information or anonymous data from student records to independent researchers engaged in analysis of programs and policies, provided that there is no possibility that the identity of any individual could be determined from such data.

5.1.9 Security

1. The school principal or her/his designee shall be responsible for the privacy and security of all student records maintained in the school.

2. The superintendent of schools or his/her designee shall

be responsible for the privacy and security of all student records which are not under the supervision of a school principal.

3. The principal and superintendent each shall insure that student records under their supervision are kept physically secure; that authorized school personnel are informed of the provisions of these regulations and are educated as to the importance of information privacy and confidentiality; that procedures are effected for keeping portions of the record whose inspection has been authorized separate from those which have not; and that any computerized systems employed are as electronically secure as the state of the art will allow within reasonable budgetary allowance.

5.1.10 Destruction

1. The transcript (or permanent record file) shall be maintained permanently. (see Sec. 5.1.1, "Definitions")

2. During the time a student is enrolled in a school; the principal or his/her designee may periodically review and destroy misleading or dated information provided that the student and his/her parent are notified in writing and are given opportunity to receive the information, or a copy of it, prior to destruction. A copy of such notice shall be retained in the temporary record.

3. All records other than the transcript (or permanent record file) shall be destroyed five years after the student transfers, graduates, or formally withdraws from the school. Written notice to the student and his/her parent of the eventual destruction of the records and of their right to receive the information, or a copy of it, in whole or in part, shall be made at the time of such transfer, graduation or withdrawal.

4. Any anonymous data whose collection is permitted under the provisions of this Code may be kept beyond the five years mentioned in paragraph 3 above at the discretion of the school. (see 5.1.4, "Collection of Information")

5.1.11 Oral Communications

The provisions of this Code are fully applicable to oral communications. No information about a student shall be released orally except as provided above. (see Sec. 5.1.8, "Release")

5.2 Counseling and Confidential Communications

1. Confidential information disclosed to a counselor, psy-

chologist, psychiatrist, or other person employed in a counseling role may not be discolosed to anyone, including the student's parent, unless the student requests in writing that the information be released or unless disclosure is required by state or Federal law.

2. The above provision shall also apply to information disclosed to teachers and other school employees when functioning as advisors or counselors and the student has specificically requested that the information not be disclosed.

3. Such confidential information, when not disclosed by the staff member to any other person, is not part of the "student record" within the meaning of this Code, and is thus not subject to parent access. (see Sec. 5.1.1, "Definitions")

4. Once such information is disclosed by the staff member to any other person, which may be done only under the condition set forth in paragraph 1, it becomes a "student record" within the meaning of this Code, and is thus subject to parent access. (see Sec. 5.1.1, "Definitions")

5. When confidential information is lawfully subpoenaed or subjected to lawful court order, the procedures above concerning subpoenas and court orders must be followed. (see Sec. 5.1.8.2, paragraph 6)

(See Sec. 5.1.4, paragraph 10, "Collection of Information".)

5.3 Surveillance and Investigation

The school shall not use any medium of communication to monitor discussion without the permission of the participants, or to photograph students inside or outside of regular learning activities without their permission. The school shall not maintain agents to secure information about student activities or deputize staff members to report on or search students.

5.4 Search and Seizure

STUDENTS HAVE THE RIGHT TO BE SECURE IN THEIR PERSONS, POSSESSIONS, AND LOCKERS AGAINST UNREASONABLE SEARCHES AND SEIZURES.

1. No search of a student's person, possessions, or locker may be conducted unless:

   a. A valid search warrant has been issued pursuant to state statute and constitutional requirements; or
   b. The student has voluntarily consented in writing to the search, without coercion, threat, or intimidation, and with knowledge of her/his right to withhold such consent; or

c. An emergency exists in which the search is clearly and urgently necessary to prevent acts of physical harm to persons, substantial property damage, or substantial and material disruption of the educational process as a result of the specific, prohibited article to be seized; or

d. The search is incident to and contemporaneous with a lawful arrest, and is limited to the student's person and areas within her/his immediate physical control, and is limited to a search for evidence of, or the fruits of, the alleged crime to which the arrest is related or for weapons.

2. Searches must be of specific students and their possessions or lockers and, except for searches pursuant to lawful arrest, must be for specific items.

3. Blanket, general searches are not permitted, except in an emergency in which the conditions of specificity cannot be met, such as in a bomb scare.

4. General inspection of lockers, such as for cleanliness or library books, is permitted only upon adequate, prior notice.

5. Reasonable efforts to locate the student shall be made prior to searching his/her locker or possessions. If the student is present, the school official shall advise him/her of the circumstances justifying the search and seizure of the objects which the official believes the search may disclose. If the student is not present, he/she shall be informed of the search.

5.5 Police in the Schools

1. Law enforcement officers may be summoned to the school for the purpose of restoring or maintaining order only when their presence is clearly necessary to prevent injury to persons. They may be summoned only with the consent of a standing committee selected by and from the faculty and student body in equal numbers and including an administrator. The committee should not be too large to assemble rapidly. It may consider requests from students, faculty, or administrators, but may not grant any request from a party outside the school. (see Sec. 3.1, "Joint Committees")

2. If an interview of a student by the police is permitted under the above circumstances,

a. It must be conducted in private with an official school representative present;

b. Every effort shall be made to give a parent the opportunity to be present;

c. The student shall be afforded the same rights she/he has outside of the school, including the right to be informed of her/his legal rights, the right to protection from coercion and constraint, and the right to remain silent.

3. A student may not be released to the custody of persons other than parent or legal guardian unless placed under arrest by legal authority.
   a. If a student is arrested, parents should be notified by school officials as soon as possible.
   b. Arrests may be made only within due process of law, including presentation of a warrant when specified in the law.
   c. The school shall make every effort to persuade law enforcement officials to avoid arresting students on school premises where possible.

5.6 Outside Agencies

The student body shall have the right to be free from the presence of any influence of federal, state or city agencies not directly involved in the educational process, unless permitted by joint committee--composed of equal numbers of students and staff -- with the understanding that the committee may revoke this permission at any time.

6 STANDARDS OF CONDUCT – STUDENT RESPONSIBILITIES

Students, teachers, and administrators shall together draw up a set of the standards of conduct which they consider essential to the continuity and integrity of the learning process and to the community life of the school. The students and staff working on the proposals shall hold public meetings for discussion and debate. The standards shall be adopted when approved by both a majority vote of the entire student body and a majority vote of the faculty. Subsequent changes in the standards of conduct shall be drawn up and approved in the same manner. All standards of conduct are subject to the conditions set forth below.

1. No standards or rules shall be established which diminish the right of any student as set forth in this Code or which infringe upon any other Constitutional guarantees. (For amendment of the Code itself, see Sec. 3.6.)

2. Non-school-related activities of students carried on outside of school hours and off school premises are not the responsibility of the school and may not be subject to regulation by standards of conduct, even when such activities result in law enforcement action.

3. Standards may properly forbid injury to persons or property or prevention of continued learning activity, but they

may not otherwise duplicate provisions of law. The law enforcement, judicial, and dispositional work of legal authority must be presumed to be enough to protect and correct the lawbreaker without additional action on the part of the educational institution.

4. Standards must not penalize students for being accused or convicted of a violation of law. Students may, however, be subject to obligations applicable to all students, even though performance of the obligations is impossible because of trial or imprisonment.

5. Definitions of offenses must describe the prohibited acts as clearly and explicitly as possible.

6. Any necessary interpretation of the standards should be based on the criterion of relevance to the educational process.

7. The standards of conduct shall be reevaluated annually.

8. After adoption, the standards of conduct and any subsequent changes shall not go into effect until they have been distributed to students, parents, and faculty members. Thereafter, at the beginning of each school year the standards of conduct shall be distributed to students, parents, and faculty members and shall be posted in conspicuous places within the school.

9. The penalties which may be applied for violation of the standards of conduct are set forth in the disciplinary section of this Code. (Sec.7)

6.1 Smoking

All regulations concerning smoking on school grounds shall apply equally to all members of the school community. Students and staff shall take into account health hazards, safety hazards, and the rights of non-smokers in drawing up regulations.

7 DISCIPLINE

7.1 Policy Against Exclusion

IT SHALL BE THE POLICY OF THIS SCHOOL TO AVOID, WHEREVER POSSIBLE, EXCLUDING STUDENTS FROM THEIR USUAL CLASSROOM INSTRUCTION OR FROM OTHER SCHOOL ACTIVITIES FOR DISCIPLINARY OR ACADEMIC PROBLEMS.

7.2 Informal Resolution of Problems

Teachers and staff shall make every effort to resolve problems informally and without the use of punishment, through discussion and counseling.

1. Students are encouraged to make use of the grievance procedures and opportunities for participation in decision-making set forth in this Code in order to eliminate the conditions which result in discipline problems. (see Sec. 3)

2. The short-range measures which may be considered for resolving problems include, but are not limited to, the following:

   a. Student-teacher agreement on immediate alternatives;
   b. Quiet places where students may voluntarily "cool off" during a disruptive time, provided that this measure may not be used to infringe upon rights of free expression and that no student may be placed in any form of solitary confinement;
   c. Individual discussion;
   d. Discussion with the entire class;
   e. Provision of alternate experiences, such as independent projects, for students who are unreceptive to particular educational experiences.

3. In attempting to resolve problems, parents should be included in discussions where appropriate.

4. The school will assume the responsibility to refer students and their parents for specialized help where needed. (see Sec. 2.1.3)

7.3 Fair Treatment

1. Disciplinary actions shall be fair and appropriate.

2. Unequal treatment will not be countenanced, and the central record of disciplinary actions will be reviewed periodically to insure fairness in this respect. (see Sec. 8.4.16.4, 8.5.16.4, "Anonymous Public Records")

3. All offenses shall be considered on an individual basis.

4. Students shall not be punished as a group or at large for the offenses of known or unknown individuals.

7.4 Cruel and Unusual Punishment

AS A PERSON WITH HUMAN DIGNITY, EVERY STUDENT HAS A RIGHT ALWAYS AND IN ALL CIRCUMSTANCES TO BE TREATED WITH RESPECT. ALL FORMS OF PUNISHMENT WHICH ARE CRUEL AND UNUSUAL, WHICH TEND TO DEMEAN OR HUMILIATE, OR WHICH ARE

EXCESSIVE, UNREASONABLE, OR DEGRADING ARE ABSOLUTELY PROHIBITED.

1. No exceptions will be made, and violation of this provision will be considered grounds by the school board to invoke appropriate action against the offending school employee.

2. Examples of these forms of punishment include, but are not limited to:
   - a. physical punishment;
   - b. forcing a student to perform senseless, degrading acts in front of other students;
   - c. requiring acts of physical endurance;
   - d. solitary confinement in any form;
   - e. forced apologies or confessions;
   - f. degrading comments;
   - g. requiring that students punish other students.

7.4.1 Corporal Punishment

Students shall not be subjected to corporal punishment.

Corporal punishment is defined as the use of physical force upon a student as punishment for an alleged offense. Anyone on school grounds has the right to use reasonable physical means to defend himself/herself or restrain another from physically harming another person or causing substantial property damage.

7.5 Forms of Discipline

7.5.1 Within the Classroom

Any administration of discipline by the teacher within the learning situation must be demonstrably necessary to maintain the continuity of learning. (see Sec. 7.2, "Informal Resolution of Problems")

7.5.2 Academic Punishment

Academic performance shall be the only criterion for academic grades. In no case shall punishment for violation of regulations include any artificial reduction of grades.

7.5.3 Work as Punishment

Students shall not be required to perform work for the school as punishment, unless it is directly related to remedying the student's offense.

7.5.4 Detention

The only disciplinary justification for a student's presence in school beyond the normal school day is the active solution of educational or personal problems.

1. In addition to meeting this justification, the teacher shall give appropriate consideration to factors of pupil transportation, weather, and any other extenuating circumstances. The age and grade level of the pupil shall be considered in determining the length of detention. Under no circumstances should a pupil be detained longer than one hour. In the event that a pupil is detained beyond 15 minutes after the normal closing time, the parents or legal guardian shall be notified.

2. No student may be involuntarily detained by any one teacher more than two days per week or more than six days per semester without the due process procedures of this Code. (see Sec. 8.3)

7.5.5 Removal from Class

Removal from class by a teacher for the remainder of a period is permissable when a student's conduct is seriously disruptive to classroom learning and informal resolution within the classroom has become impracticable, provided that such exclusion does not exceed ninety minutes.

1. The teacher shall send the student to a referral room or cooling-off room or other appropriately supervised facility on the school premises.

2. At the termination of the class period from which the student has been removed, the student shall proceed to his/her normal classes.

3. The teacher and student shall arrange a conference on the day of removal or as soon thereafter as possible. A third party agreeable to both parties shall be present if so desired by either party. The problem giving rise to the student's removal from the classroom shall be discussed as informally as possible.

4. The principal must be notified immediately of any removal from class.

5. No student may be removed from class more than one class period per day, twice per week, or more than six times per semester, without the due process procedures of this Code. (see Sec. 8.3)

6. All records and documentation regarding a removal from class shall be destroyed at the end of each semester. No

information about a removal from class shall be communicated to any person not directly involved.

7.5.6 Probation and Loss of Privileges

A student may be placed on probation and/or lose any of his/her non-academic privileges only upon a finding, under the due process procedures of this Code, that:

a. the student violated a specific, published standard of student conduct (see Sec. 6); and
b. informal means are inadequate to resolve the problem.

No probation or loss of privileges may extend beyond the end of a semester, except that if the acts directly leading to it occur in the last six weeks of the fall semester, it may not extend beyond the end of the spring semester.

7.5.7 Suspension

A student may be suspended from her/his regular classroom attendance only upon a finding, under the due process procedures of this Code, that:

a. the student violated a specific, published standard of student conduct (see Sec.6); and
b. the student's continued attendance in his/her regular classes presents a clear and present danger either of physical harm to the student or others or of substantial and material disruption of the educational process.

1. Suspension is defined as the exclusion of the student from his/her regular classroom program (other than removal for a single period) which does not exceed seven (7) school days or extend beyond the end of a semester, whichever comes first.

2. A student who is suspended from his/her regular classroom attendance must be offered an adequate educational alternative during the suspension period as provided in Sec. 8.6. The student or his/her parent, however, may at any time reject the alternative.

3. A suspension from regular classroom attendance may not exceed seven (7) school days or extend beyond the end of a semester.

7.5.8 Expulsion

A student may be expelled from his/her regular classroom attendance only upon a finding, under the due process procedures of this Code, that:

a. the student has engaged in persistent misconduct of a serious nature over a substantial period of time in violation of specific, published standards of student conduct (see Sec. 6); and
b. all other regular classroom alternatives have been explored, including, but not limited to, the measures set forth in Sec. 7.2 ("Informal Resolution of Problems"); and
c. the student's continued attendance in his/her regular classes presents a clear, present, and continuing danger either of physical harm to the student or others or of substantial and material disruption of the educational process.

1. Expulsion is defined as the exclusion of the student from her/his regular classroom program for any period exceeding seven (7) school days.

2. A student who is expelled from his/her regular classroom program must be offered an adequate educational alternative during the expulsion period as provided in Sec. 8.6. The student or his/her parent, however, may at any time reject the alternative.

3. No expulsion shall exceed the end of the semester during which the acts leading directly to the expulsion occurred, except that if the acts occurred in the last six weeks of the fall semester, no expulsion may exceed the end of the spring semester.

7.5.9 Involuntary Transfer

An individual may be transferred involuntarily to the regular classroom program of another school only upon a finding, under the due process procedures of this Code, that:

a. the student has engaged in persistent misconduct of a serious nature over a substantial period of time in violation of specific, published standards of conduct (see Sec.6); and
b. all other alternatives have been explored, including, but not limited to, the measures set forth in Sec. 7.2 ("Informal Resolution of Problems"); and
c. the student's continued attendance presents a clear, present, and continuing danger either of physical harm to the student or others or of substantial and material disruption of the educational process; and
d. the program to which the student is to be transferred offers an education adequate and appropriate to the student's needs.

1. A student who is transferred involuntarily may, with the consent of her/his parent, choose instead to take a full expulsion from all school attendance for the period of the proposed transfer.

2. No involuntary transfer shall exceed the end of the semester during which the acts leading directly to the transfer occurred, except that if the acts occurred in the last six weeks of the fall semester, no such transfer may exceed the end of the spring semester. However, the student, with the consent of his/her parent, may choose to remain voluntarily in the school to which he/she has been transferred.

3. For purposes of this section, "involuntary transfer" applies only to transfer of specific individual students, and does not apply to students who are transferred as a result of changes in school attendance zones or other geographical boundaries.

7.5.10 Exclusion from Graduation Ceremonies

A student who has satisfactorily completed requirements for graduation cannot be barred from the graduation ceremonies without a finding, under the due process procedures of this Code, that:

a. the student has violated a specific, published standard of conduct; and
b. that the student's attendance at the graduation ceremony itself is clearly likely to threaten the physical safety of himself/herself or others or cause substantial and material disruption of the ceremony.

If the misconduct occurs less than two days before the ceremony, the emergency suspension procedure applicable to other forms of discipline may be invoked in order to reach the above finding. (see Sec. 8.1)

7.5.11 Response to Truancy, Tardiness, and Cutting Class

Although the standards of student conduct may prohibit truancy, tardiness, or cutting class, students shall not be suspended, expelled, or transferred for any of these acts.

The following steps should be taken when appropriate:

1. Inform student of consequences of cutting assigned classes.
2. Notify parents of excessive cutting and tardiness and possible consequences.
3. Refer to counselor, social worker or attendance worker.
4. Visit home of pupil having problems.
5. Hold conferences with parents and pupils having problems. Teachers should be included in any conference.
6. Issue medical blanks for proof of illness and initiate home teacher application if conditions of physical or emotional illness are likely to extend for eight or more weeks.
7. Recommend plans for treatment, medical care, or modification of school programs.
8. Discuss case with school social worker and refer student to social service agencies or clinics.

9. Refer for placement on minimum day program.
10. Confer with community agencies interested in the pupil and her/his family.
11. Issue summons to parents, preliminary to court action when indicated.
12. Refer to continuation school or other type of program for adjustment purposes.
13. Refer extreme cases of habitual truancy to juvenile court after consultation and approval of the supervisor of attendance services.

In taking the above steps, the school must comply fully with the due process and records provisions of this Code.

7.6 Right to File Grievances

Like persons affected by other actions within the school, students who have been disciplined in any way have the right to file grievances in accordance with the grievance procedures of this Code (see Sc. 3.4), except in cases of long-term discipline for which the student has a right to a formal appeal under Sec. 8.5.17. The School Appeals Board shall act upon these grievances at its discretion according to procedures it publishes under Sec. 3.4.2 and shall insure that such grievances are handled promptly.

7.7 Establishment of Procedures

In order to implement the disciplinary and due process provisions of this Code, a committee selected of equal numbers by and from the student body and faculty shall formulate clear procedures for selection of hearing committees and hearing officers, the jurisdiction of faculty and student judicial bodies and of institutional officials including faculty members, and the regular disciplinary, grievance, and appeal procedures. Jurisdictions and procedures must be communicated to all students, faculty members, administrators, and parents when formulated and to all entering students and new faculty thenceforth. A committee composed in the same way should be constituted at regular intervals to revise the jurisdictions and procedures and publish the revisions. In no case may revisions be retroactive.

8 DUE PROCESS

ALL STUDENTS MUST BE AFFORDED DUE PROCESS WHENEVER DEPRIVED OF THEIR RIGHT TO EDUCATION THROUGH EXCLUSION FROM THEIR REGULAR CLASSROOM INSTRUCTION OR FROM OTHER SCHOOL ACTIVITIES, INCLUDING:

SUSPENSION,

EXPULSION,
TRANSFER,
PROBATION OR WITHDRAWAL OF PRIVILEGES,
EXCLUSION FROM GRADUATION CEREMONIES.

THE RIGHT TO DUE PROCESS INCLUDES THE RIGHT TO A FAIR HEARING PRIOR TO ANY OF THE ABOVE EXCLUSIONS, EXCEPT FOR EMERGENCY SUSPENSION PURSUANT TO THIS CODE.

(These provisions shall not apply to removal from single class periods by teachers, which are covered by Sec. 7.5.5.)

8.1 Emergency Suspension

The principal of a school (or an impartial person designated by the school committee to take his/her place where he/she is a complaining party) may take emergency action, including temporary suspension, after making a finding that:

a. the student's conduct presents a clear and immediate threat to the physical safety of himself/herself or others or is so extremely disruptive as to make the student's temporary removal necessary to preserve the right of other students to pursue an education; and

b. it is impossible to hold the hearing described in this Code because of the emergency nature of the situation.

1. The principal or impartial person shall do everything feasible to assure that the temporary action is based upon a clear factual situation warranting it, including:

   a. first orally giving the student a full factual statement of the conduct with which the student has been charged and the reasons why suspension may be necessary; and then

   b. giving the student the opportunity to tell her/his side of the story; and

   c. to the extent necessary, questioning the student and the complaining party in the student's presence.

This shall be done before imposing the suspension unless impossible, in which case it shall be done as soon thereafter as possible.

2. The student's parent(s) shall be immediately advised of any emergency suspension by telephone or telegram and the specific act(s) for which the emergency suspension was ordered. The parents shall also be informed by certified mail, posted on the day of suspension, containing the same information.

3. The principal will remove the pupil from his/her class and must keep him/her under supervision until the close of the

school day or the arrival of the person in parental relation to the pupil.

4. The principal shall make every effort to hold a conference with the parents before or at the time the student returns to school.

5. In no case shall such emergency suspension last beyond the end of the school day after the day it began.

6. A second emergency suspension shall not be ordered within five (5) school days of the first unless the principal invokes the hearing procedures of this Code. (see Sec. 8.2) The above terms and procedures shall apply to this second emergency suspension, except that such suspension may last until the hearing if the principal determines, with daily review, that the emergency conditions persist.

7. A student may not be excluded from school under emergency suspension for more than eight (8) school days or portions thereof in one school year unless on or before the ninth (9th) day of emergency suspension, and at the beginning of any subsequent emergency suspensions, the principal commences the notice and hearing procedures set out in this Code.

8. All records and documentation regarding an emergency suspension shall be destroyed at the end of each school year. No information about an emergency suspension shall be communicated to any person not directly involved in the disciplinary process.

8.2 Initiation of Proceedings and Preliminary Investigation

The principal has the sole power to initiate proceedings under the due process provisions of this Code.

1. If, upon receiving a complaint of possible student misconduct, the principal believes the matter is a potential disciplinary one, he/she shall fully investigate the facts.

2. Wherever possible, facts shall be obtained from those who directly observed them, and the student shall be allowed fully to explain his/her side of the story, although the student shall be advised that he/she has a right to remain silent if he/she wishes.

3. The principal may hold a post-investigation conference with the student and his/her parents.

4. If the student does not choose to dispute the facts presented, the regulation cited, or that the facts constitute a violation of the regulation, he/she must be offered the opportunity to amend his/her conduct or make reparation rather than enter into a disciplinary proceeding.

5. If, after full investigation, discussion, and attempted resolution of a complaint against a student, the principal finds disciplinary action warranted, he/she may initiate the hearing procedure. The principal shall be the charging party.

6. The principal shall recommend the discipline which he/she believes appropriate. The principal may recommend:

a. Probation and/or withdrawal of privileges - only if the principal finds evidence that:
   (1) the student violated a specific, published standard of student conduct; and
   (2) informal means are inadequate to resolve the problem;

b. Suspension - only if the principal finds evidence that:
   (1) the student violated a specific, published standard of student conduct; and
   (2) the student's continued attendance in her/his regular classes presents a clear and present danger either of physical harm to the student or others or of substantial and material disruption of the educational process;

c. Expulsion - only if the principal finds evidence that:
   (1) the student has engaged in persistent misconduct of a serious nature over a substantial period of time in violation of specific, published standards of student conduct; and
   (2) all other regular classroom alternatives have been explored, including, but not limited to, the measures set forth in Sec. 7.2 ("Informal Resolution of Problems"); and
   (3) the student's continued attendance in her/his regular classes presents a clear, present, and continuing danger either of physical harm to the student or others or of substantial and material disruption of the educational process;

d. Transfer - only if the principal finds evidence that:
   (1) the student has engaged in persistent misconduct of a serious nature over a substantial period of time in violation of specific, published standards of conduct; and
   (2) all other alternatives have been explored, including, but not limited to, the measures set forth in Sec. 7.2 ("Informal Resolution of Problems"); and
   (3) the student's continued attendance presents a clear, present, and continuing danger either of physical harm to the student or others or of substantial and material disruption of the educational process; and
   (4) the program to which the student is to be transferred offers an education adequate and appropriate to the student's needs;

e. Exclusion from graduation ceremonies - only if the

principal finds evidence that:
(1) the student has violated a specific, published standard of conduct; and
(2) the student's attendance at the graduation ceremony itself is clearly likely to threaten the physical safety of the student or others or to cause substantial and material disruption of the ceremony.

8.3 Applicable Hearing Procedures — Short-Term and Long-Term Discipline

1. The principal shall initiate the notice and hearing provisions for SHORT-TERM DISCIPLINE (Sec. 8.4) whenever she/he has decided to recommend discipline which does not exceed seven (7) school days or extend beyond the end of a semester, whichever comes first, including:
   - Suspension
   - Probation or Loss of Privileges for Seven Days or Less
   - Exclusion from Graduation Ceremonies

2. The principal shall initiate the notice and hearing provisions for LONG-TERM DISCIPLINE (Sec. 8.5) whenever he/she has decided to recommend discipline which exceeds seven (7) school days, including:
   - Expulsion
   - Transfer
   - Probation or Loss of Privileges for More Than Seven School Days

3. When due process procedures are required by this Code for other school decisions (see Sec. 2.1.3, 4.2.5.1, 4.2.9, 7.5.4, 7.5.5), the hearing procedures for short-term discipline (Sec. 8.4) shall be used if the effect of the decision does not exceed seven days or extend beyond the end of the semester, and the hearing procedures for long-term discipline (Sec. 8.5) shall be used if it does.

8.4 Hearings for Short-Term Discipline

8.4.1 Notice

If the principal chooses to recommend short-term disciplinary action pursuant to these due process procedures, he/she shall send by certified mail a notice to the student and to the student's parent(s) or guardian(s) within twenty-four (24) hours of the time he/she learns of such alleged act(s).

1. Such notice shall be in the language of the parent(s) or guardian(s) as well as in English.

2. Such notice shall contain:

   a) a description of the proposed disciplinary action in detail, including its porposed length; and

b. a complete description of the published standards of student conduct allegedly violated by the student; and

c. a full statement of the facts leading to the principal's recommendation; and

d. a statement of the time and place of the hearing, including the right to a rescheduling as described below; and

e. a full statement of the procedural rights enumerated below, including the right of access to and copies of records and evidence and the anonymous file of previous disciplinary proceedings, the right to be assisted and accompanied by a school ombudsperson, the parent's right to be present, the right to question adverse witnesses, the right to present evidence and witnesses, the right to remain silent, the right to choose whether the hearing shall be closed or open, the right to make a recording of the hearing, and the right to file a grievance.

f. a description of the student's rights concerning alternative educational opportunities to be available during any period of suspension, as set forth in Sec. 8.6; and

g. a statement that if the student is thought by the student, parent, or guardian to require special education services, that such student is eligible to receive, at no charge, the services of a public or private agency for a diagnostic medical, psychological or educational evaluation; and

h. a copy of this Code, the standards of student conduct, and any regulations governing disciplinary proceedings.

3. On or before the day the notice is postmarked, the principal shall make a reasonable effort to contact the parent(s) or guardian(s) and the student by telephone to directly communicate the information contained in the written notice.

8.4.2 Attendance Pending Hearing

Unless the student has been placed on emergency suspension pursuant to this Code, he/she shall continue to participate in regular classroom instruction and all other activities pending the hearing.

8.4.3 Waiver

The hearing may be waived if the student and his/her parents agree to forego it by furnishing the principal a signed statement to that effect.

8.4.4 Time and Place

1. The hearing shall be at a time and place reasonably con venient to the student and his/her parent(s) or guardian(s).

2. The hearing shall take place within four (4) school days of the date upon which the notice is postmarked.

3. The hearing may be rescheduled at the request of the student or his/her parent(s) or guardian(s) when either is unable to attend at the time stated in the original notice.

8.4.5 Hearing Panel

8.4.5.1 Composition

The hearing shall be conducted before a hearing panel which shall consist of:

a. an assistant superintendant - designated by the school committee;
b. a student - selected in a manner to be determined by the student body;
c. a teacher - designated by the student who is charged with misconduct.

The assistant superintendant shall convene the hearing panel.

8.4.5.2 Impartiality

The student has the right to an impartial tribunal.

1. No member of the hearing panel who is otherwise interested in the particular case shall sit in judgment during the proceeding.

2. No member of the hearing panel may involve himself/herself in any discussion of the case prior to the hearing or between the time of the hearing and the time a decision is rendered, except with other panel members.

8.4.6 Access to Evidence and Records

1. No evidence shall be offered against a student unless prior to the hearing the student is allowed to inspect written evidence and affidavits and is informed of the names of witnesses against him/her and the substance of their testimony.

2. The student shall have access to all his/her school records, as provided in this Code. (see Sec. 5.1.5)

3. The student shall have access to the central file of anonymous records of previous disciplinary actions. (see Sec. 8.4.16.4)

4. These rights of access to evidence and records may be exercised at any reasonable time prior to the hearing and include the right to receive copies of such material at a cost not to exceed the actual cost of reproduction.

8.4.7 Ombudspersons

The student has the right to be accompanied and assisted by one of the school ombudspersons of her/his choosing. (For ombudspersons, see Sec. 3.4.3)

8.4.8 Open/Closed Hearings

The hearing shall be private unless the student requests that it be public.

8.4.9 Student and Parent Presence

The student and his/her parent(s) and ombudsperson shall be present throughout the entire hearing.

8.4.10 Adverse Witnesses and Evidence

1. The student has the right to question all adverse witnesses.

2. In no case shall the panel consider statements against the student by persons not in attendance at the hearing unless:
    a. The statements are in the form of sworn affidavits signed under oath; and
    b. The student has been given access to the statements in accordance with sec. 8.4.6 above; and
    c. The student is given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

3. In any case where statements are presented subject to the conditions in paragraph 2 above, any single member of the panel may determine that the maker of the statements must be summoned and questioned in order to ascertain the reliability of the statements.

8.4.11 Presentation of Student's Case

The student shall be allowed to submit evidence, present witnesses, and testify in her/his own defense.

8.4.12 Privilege Against Self-Incrimination

The student shall not be compelled to testify against himself/herself.

8.4.13 Burden of Proof, Presumption of Innocence

The burden of proving guilt rests upon the person making the charge, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved.

8.4.14 Rules of Evidence

1. The scope of the hearing shall be confined to the charges contained in the notice required by this Code.

2. The hearing panel is not required to observe the same rules of evidence observed by courts, but evidence may be admitted only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.

3. Improperly acquired evidence shall not be admitted.

4. All testimony shall be given under oath.

8.4.15 Tape Recording

The student may, at her/his own expense, make a tape recording of the entire hearing. Upon request, the school will provide a recording machine for this purpose.

8.4.16 Findings

1. The panel shall decide on all matters by majority vote.

2. The question of whether the student has engaged in prohibited activity and the question of the sanction to be imposed if any are separate findings, and the first must be determined before any consideration of the second.

8.4.16.1 Determination of Misconduct

No decision that disciplinary action is warranted shall be made unless the hearing panel first finds, by clear and convincing evidence,

a. that the student has, in fact, committed the conduct charged; and

b. that the conduct violated a specific, published standard of student conduct upon which the proposed disciplinary action is based.

8.4.16.2 Determination of Penalty

If the panel first so finds against the student, it shall then and only then take such disciplinary action as it may deem appropriate, subject to the following:

1. In order to impose suspension from the student's regular classroom attendance, the panel must further find, based on a clear preponderance of the evidence, that the student's continued attendance in her/his regular classes presents a clear and present danger either of physical harm to the student or others or of substantial and material disruption of the educational process.

2. In order to impose probation and/or loss of privileges, the panel must further find, based on a clear preponderance of the evidence, that informal means are inadequate to resolve the problem.

3. In order to impose exclusion from graduation ceremonies, the panel must further find, based on a clear preponderance of the evidence, that the student's attendance at the graduation ceremony itself is clearly likely to threaten the physical safety of the student or others or to cause substantial and material disruption of the ceremony.

4. Limits:

   a. No suspension, probation, or loss of privileges may exceed seven (7) school days or extend beyond the end of the semester, whichever comes first.
   b. The penalty may not be more severe, in kind or duration, than that recommended by the principal.
   c. Atfer the penalty has been determined in accordance with a. and b., the number of days, if any, of emergency suspension imposed in connection with the violation shall be deducted from the length of a suspension, probation, or loss of privileges.

5. If the panel chooses to impose suspension from the student's regular classroom attendance, it shall also determine the appropriate, adequate educational alternative which will be offered to the student in accordance with sec. 8.6 (see Sec. 7.5.7)

6. The panel may choose not to impose any formal discipline despite the finding of misconduct if it feels that the situation has been or can be remedied without formal discipline.

8.4.16.3 Issuance

1. The panel shall fully record its findings.

2. Within twenty-four hours of the hearing, copies of the

findings shall be sent to the student, to her/his parent(s), to the student's ombudsperson if any, and to the principal.

3. The copies sent to student, parent(s), and ombudsperson shall also contain a statement of:
   a. the student's right to file a grievance against any adverse ruling, together with the grievance procedures (see Sec. 8.4.17);
   b. the procedure for reinstatement at the end of the penalty period if suspension has been imposed;
   c. the educational alternatives available to the student if suspension from regular classes has been imposed and the right of student and parent to reject these alternatives. (see Sec. 7.5.7, 8.6)

8.4.16.4 Anonymous Public Records

The hearing panel shall also, with the consent of the student, issue its findings and/or a summary of the proceedings in anonymous form with all names deleted, which shall be maintained in a public file and shall be open to inspection by all members of the school community, including parents. The student may withhold her/his consent if she/he believes that the record would tend to identify her/him even in its anonymous form.

8.4.17 Grievances

A student who has been found guilty of misconduct under the hearing procedures for short-term discipline does not have a right of formal appeal. He/She does have the right, however, to file a grievance with the School Appeals Board, which shall act at its discretion. The School Appeals Board shall adopt expedited procedures to insure that grievances against short-term disciplinary action are handled promptly. (see Sec. 3.4.2)

8.4.18 Expunging Records

1. If either the hearing panel or, in response to a grievance, the School Appeals Board finds that disciplinary action is not warranted, the student shall be immediately reinstated if any sanctions had been imposed, all records and documentation regarding the disciplinary proceedings shall be immediately destroyed, and no information regarding the proceedings shall be placed in the student's records or communicated to any person except as provided in the sections of this Code governing issuance of findings. (see 8.4.16.3, 8.4.16.4)

2. All other records concerning disciplinary proceedings, including the imposition of disciplinary action, shall be

destroyed at the end of each school year, except for the anonymous record file of proceedings. (see 8.4.16.4)

8.5 Hearings for Long-Term Discipline

8.5.1 Notice

If the principal chooses to recommend long-term disciplinary action pursuant to these due process procedures, he/she shall send by certified mail a notice to the student and to the student's parent(s) or guardian(s) within twenty-four (24) hours of the time he/she learns of such alleged act(s).

1. Such notice shall be in the language of the parent(s) or guardian(s) as well as in English.

2. Such notice shall contain:

    a. a description of the proposed disciplinary action in detail, including its proposed length; and
    b. a complete description of the published standards of student conduct allegedly violated by the student; and
    c. a full statement of the facts leading to the principal's recommendation; and
    d. a statement of the time and place of the hearing, including the right to a rescheduling or postponement as described below; and
    e. a full statement of the procedural rights enumerated below, including the right of access to and copies of records and evidence, and the anonymous file of previous disciplinary proceedings, the right to be represented by a lawyer or other person of the student's choice, the parent's right to be present, the right to confront and question the complainant and adverse witnesses, the right to present evidence and witnesses, the right to remain silent, the right to choose whether the hearing shall be closed or open, and the right to a transcript and appeal; and
    f. a list of addresses and telephone numbers of all local legal services offices and other sources of free or inexpensive legal assistance; and
    g a description of the student's rights concerning alternative educational opportunities to be available during any period of suspension or expulsion, as set forth in Sec. 8.6; and
    h. a statement that if the student is thought by the student, parent, or guardian to require special education services, that such student is eligible to receive, at no charge, the services of a public or private agency for a diagnostic medical, psychological or educational evaluation; and
    i. a copy of this Code, the standards of student con-

duct, and any regulations governing disciplinary proceedings.

3. On or before the day the notice is postmarked, the principal shall make a reasonable effort to contact the parent(s) or guardian(s) and the student by telephone to directly communicate the information contained in the written notice.

8.5.2 Attendance Pending Hearing

Unless the student has been placed on emergency suspension pursuant to this Code, he/she shall continue to participate in regular classroom instruction and all other activities pending the hearing.

8.5.3 Waiver

The student's right to a hearing for long-term discipline may not be waived. (see Sec. 8.5.16.1)

8.5.4 Time and Place

1. The hearing shall be at a time and place reasonably convenient to the student and his/her parent(s) or guardian(s).

2. The hearing shall take place within four (4) school days of the date upon which notice is postmarked.

3. The hearing may be postponed at the request of the student or her/his parent(s) or guardian(s) for no more than five (5) additional school days where necessary for preparation.

4. The hearing may be rescheduled at the request of the student or his/her parent(s) or guardian(s) when either is unable to attend at the time stated in the original notice.

8.5.5 Hearing Panel

8.5.5.1 Composition

1. The hearing shall be conducted before a hearing panel, which will be composed of:
   a. 2 students -- selected in a manner to be determined by the student body;
   b. 2 teachers -- selected by the teaching faculty;
   c. 1 hearing officer, as chairperson and voting member -- who shall be selected by the School Appeals Board (see Sec. 3.4.2) and who shall not be an employee of the school district but may be a parent or other re-

spected member of the community.

2. Alternate panel members shall be selected in the same manner.

8.5.5.2 Impartiality

The student has the right to an impartial tribunal.

1. No member of the hearing panel who is otherwise interested in the particular case shall sit in judgment during the proceeding.

2. No member of the hearing panel may involve himself/herself in any discussion of the case prior to the hearing or between the time of the hearing and the time a decision is rendered, except with other panel members.

8.5.6 Access to Evidence and Records

1. No evidence shall be offered against a student unless prior to the hearing the student is allowed to inspect written evidence and is informed of the names of witnesses against her/him and the substance of their testimony.

2. The student shall have access to all her/his school records, as provided in this Code. (see Sec. 5.1.5)

3. The student shall have access to the publis file of anonymous records of previous disciplinary proceedings. (see 8.5.16.4)

4. These rights of access to evidence and records may be exercised at any reasonable time prior to the hearing and include the right to receive copies of such material at a cost not to exceed the actual cost of reproduction.

8.5.7 Right to Counsel

The student shall have the right to be represented by an advocate of her/his choice, including a lawyer.

8.5.8 Open/Closed Hearing

The hearing shall be private unless the student requests that it be public.

8.5.9 Student and Parent Presence

The student, his/her parent(s), and his/her representative shall be present throughout the entire hearing.

8.5.10 Adverse Witnesses and Evidence

The student has the right to confront and cross-examine all adverse witnesses.

In no case may the hearing panel consider statements against the student unless the student and his/her representative have been advised of the content and unless they are given an opportunity to confront and question those who made the statements and to rebut unfavorable inferences that might otherwise be drawn, except that statements made by persons for whom attendance is impossible may be considered if the value of the statements clearly outweighs their possible unreliability.

8.5.11 Presentation of Student's Case

The student shall be allowed to submit evidence, present witnesses, and testify in his/her own defense.

8.5.12 Privilege Against Self-Incrimination

The student shall not be compelled to testify against himself/herself.

8.5.13 Burden of Proof, Presumption of Innocence

The burden of proving guilt rests upon the person making the charge, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved.

8.5.14 Rules of Evidence

1. The scope of the hearing shall be confined to the charges contained in the notice required by this Code.

2. The hearing panel is not required to observe the same rules of evidence observed by courts, but evidence may be admitted only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.

3. Improperly acquired evidence shall not be admitted.

4. All testimony shall be given under oath.

8.5.14.1 Procedural Rulings

Decisions on procedural matters (e.g. on the admissibility of evidence) will be made by the chairperson of the panel. The chairperson will also decide which are matters of substance and which are matters of procedure. A decision of the chairperson under this section can be reviewed only by appeal to the School Appeals Board as provided in this Code. (see Sec. 8.5.17)

8.5.15 Transcript

A tape recording or verbatim transcript of the entire hearing shall be made, and a copy shall be available to the student at no cost upon request.

8.5.16 Findings

1. The hearing panel shall decide on all matters of fact, on the ultimate question of whether the student has engaged in prohibited activity, and on the sanction to be imposed, if any, by majority vote.

2. The question of whether the student has engaged in prohibited activity and the question of the sanction to be imposed are separate findings and the first must be determined before any consideration of the second.

8.5.16.1 Determination of Misconduct

No decision that disciplinary action is warranted shall be made unless the hearing panel first finds, by clear and convincing evidence, that:

a. the student has, in fact, committed the conduct charges; and
b. the conduct violated a specific, published standard of student conduct upon which the proposed disciplinary action is based.

No findings of misconduct may be based solely on the student's failure to appear or to respond to charges. In such an instance, the party bringing charges is obligated to present evidence meeting the above standard if a penalty is to be imposed.

8.5.16.2 Determination of Penalty

If the panel first so finds against the student, it shall then and only then take such disciplinary action as it may deem appropriate, subject to the following:

1. In order to impose expulsion from the student's regular classroom attendance, the panel must further find, based on a clear preponderance of the evidence, that:

   a. the misconduct upon which the proposed disciplinary action is based has been persistent and serious over a substantial period of time; and
   b. the student's continued attendance presents a clear, present, and continuing danger either of physical harm to the student or others or of substantial and material disruption of the educational process; and
   c. all other regular classroom alternatives have been explored, including, but not limited to, the measures set forth in Sec. 7.2 ("Informal Resolution of Problems").

2. In order to impose transfer to the regular classroom program of another school, the panel must further find, based on a clear preponderance of the evidence, that:

   a. the misconduct upon which the proposed disciplinary action is based has been persistent and serious over a substantial period of time; and
   b. the student's continued attendance presents a clear, present, and continuing danger either of physical harm to the student or others or of substantial and material disruption of the educational process; and
   c. all other alternatives have been explored, including, but not limited to, the measures set forth in Sec. 7.2 ("Informal Resolution of Problems"); and
   d. the program to which the student is to be transferred offers an education adequate and appropriate to the student's needs.

3. In order to impose probation or loss of privileges, the panel must further find, based on a clear preponderance of the evidence, that informal means are inadequate to resolve the problem.

4. Limits:

   a. No expulsion, transfer, probation, or loss of privileges shall exceed the end of the semester during which the acts leading directly to the discipline occurred, except that if the acts occurred in the last six weeks of the fall semester, no such penalty may exceed the end of the spring semester. However, a student who has been transferred may choose, with the consent of her/his parent(s), to remain voluntarily in the school to which she/he has been transferred.
   b. The penalty may not be more severe, in kind or duration, than that recommended by the principal.
   c. Once the penalty has been determined in accordance with b, the number of any days of emergency suspension imposed in connection with the violation shall

be deducted from the length of the penalty.

5. If the panel chooses to impose expulsion from the student's regular classroom attendance, it shall also determine the appropriate, adequate educational alternative which will be offered to the student in accordance with Sec. 8.6 (see Sec. 7.5.8)

6. If the panel finds that expulsion or transfer is not warranted, but wishes instead to impose a suspension of seven (7) school days or less, it may do so only under the conditions set forth in Sec. 8.4.16.2, paragraphs 1,4, and 5 ("Short-Term Discipline: Findings: Determination of Penalty").

7. The panel may choose not to impose any formal discipline despite the finding of misconduct if it feels that the situation has been or can be remedied without formal discipline.

8.5.16.3 Issuance

1. The panel shall fully record its findings.

2. Within twenty-four hours of the hearing, copies of the findings shall be mailed to the student, to his/her parent(s), to the student's designated hearing representative, and to the principal.

3. The copies mailed to student, parent(s), and representative shall also contain a statement of:

   a. the student's right to appeal any adverse ruling, together with the appeals procedures (see Sec. 8.5.17); and
   b. the procedure for reinstatement at the end of the penalty period if any discipline has been imposed; and
   c. the educational alternatives available to the student if expulsion from regular classes has been imposed and the right of student and parent to reject these alternatives (see Sec. 7.5.8, 8.6); and
   d. the student's right, with the consent of his/her parent, if transfer has been imposed, to choose instead full expulsion for ther period of the transfer (see Sec. 7.5.9., 8.6).

8.5.16.4 Anonymous Public Records

The hearing panel shall also, with the consent of the student, issue its findings and/or a summary of the proceedings in anonymous form with all names deleted, which shall be maintained in a public file and shall be open to inspection by all members of the school community, including parents. The student may withhold her/his consent if she/he believes that the record would tend to identify her/him even in its anonymous form.

8.5.17 Appeals

A student who has been found guilty of misconduct under the hearing procedures for long-term discipline has the right to appeal to the School Appeals Board. (For the composition of the Board, see Sec. 3.4.2.)

1. Such appeal shall be filed in writing within five school days following the issuance of the hearing panel's finding.

2. The Appeals Board may determine if the student may continue to participate in regular classroom instruction and other activities pending the appeal.

3. The School Appeals Board shall conduct a hearing within five school days of the filing of the appeal, unless the student or his/her representative requests an extension of time to allow adequate preparation.

4. The hearing shall be closed unless the student requests that it be open.

5. The Appeals Board shall review all written documents in the case and if requested review the entire recording or transcript of the hearing below or those portions designated by the student and the principal.

6. The student and her/his representative, including a lawyer, may address the Appeals Board on the evidence at the hearing below and the appropriateness of the penalty.

7. New evidence will be admitted only to avoid a substantial threat of unfairness.

8. The Appeals Board shall specifically determine if there was sufficient evidence to find that the alleged violation(s) by the student occurred and if any penalty imposed was appropriate for the violation(s).

9. The Appeals Board shall issue its findings in writing within forty-eight (48) hours of the hearing.

10. The Appeals Board may modify the decision of the hearing panel. However, in no event may the Appeals Board impose added or more severe restrictions on the student.

8.5.18 Expunging Records

1. In the event that either the hearing panel or the Appeals Board find that disciplinary action is not warranted, the

student shall be immediately reinstated if any sanctions had been imposed, all records and documentation regarding the disciplinary proceedings shall be immediately destroyed, and no information regarding the proceedings shall be placed in the student's record or communicated to any person except as provided in the sections of this Code governing issuance of findings. (see Sec. 8.5.16.3, 8.5.16.4)

2. All other records concerning disciplinary proceedings, including the imposition of disciplinary action, shall be destroyed at the end of each school year, except for the public record file of anonymous proceedings. (see Sec. 8.5.16.4)

8.6 Education for Excluded Students

1. The principal shall be responsible for insuring that any student who is suspended or expelled from his/her regular classroom attendance, including any student placed on emergency suspension, is afforded educational assistance (and, where appropriate, diagnostic examination) during the period of exclusion in accordance with the provisions below.

2. Such student shall be allowed full use of his/her regular textbook and shall be provided with the assignments and tests for the classes from which he/she has been excluded.

3. No academic penalties may be imposed during the period of exclusion. Such a student shall be allowed to complete all assignments and tests missed during the period of exclusion.

4. If a hearing panel imposes suspension or expulsion from a student's regular classroom attendance, it must include in its findings an individualized, adequate alternative educational plan for the period of the exclusion. This plan shall be based on the principle of seeking that alternative which is both the least restrictive and most likely to guarantee educational progress under the circumstances. A student or his/her parent may at any time reject this alternative and choose total exclusion for the designated period.

5. A student who has been suspended or expelled shall also have the opportunities set forth in paragraphs 2 and 3, regardless of whether he/she has accepted or rejected the educational alternative offered by the hearing panel.

6. In addition, a student who has been expelled and who has rejected the educational alternative offered by the hearing panel shall be allowed to participate in any alternative forms of instruction, such as night school, tutoring, or televised instruction or correspondence courses, which are provided to the general public by the school district.

7. If a hearing panel imposes involuntary transfer and the student, with parental consent, chooses total expulsion for the period of the transfer instead (see Sec. 7.5.9), she/he shall have the opportunities set forth in paragraphs 2, 3, and 6.

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MODEL HIGH SCHOOL DISCIPLINARY PROCEDURE CODE

Final Draft

Article #1 - Preliminary Procedure

§1 No student shall be suspended, transferred or expelled, by the School Board or any of its agents, unless the requirements of this Code are specifically and completely followed. The provisions of this Code shall not apply to non-disciplinary transfers of students.

Comment: This Code is intended to govern only the serious disciplinary actions specified. Thus, discipline such as reprimands or even the removal of a student from a classroom by a teacher for the remainder of the class period are not circumscribed by this Code. However, it is intended that with regard to the serious disciplinary actions specified, a failure to comply with this statute in all respects makes the disciplinary actions statutorily impossible. This should not be one more "rights" Code to which only lip service is given.

§2 Where the principal determines to impose any disciplinary action regulated by this Code, he may either:

a) temporarily suspend the student under the provisions of §3 of this Code; or

b) invoke the hearing procedure provided for in Article II of this Code.

The implementation of either of these alternatives with regard to a particular factual incident shall preclude the use of the other.

Comment: "Principal" is used here and throughout because that office usually weilds the power which is being structured. Substitutions based on local conditions are easily made.

§3 The principal of a school may temporarily suspend any student, where the continued presence of the student at the school at that time will be substantially disruptive of the physical or educational interests of the other students. No temporary suspension shall continue past the opening of the second regular school day after the day on which the temporary suspension begins, or be renewable. Where the principal temporarily suspends any student he shall immediately, either in person or by certified mail, give both to the student and to his parent or guardian, a written notice which shall include, but not be limited to, a description of the act or acts upon which the temporary suspension is based, and the duration of the temporary suspension which has been imposed. The imposition of a temporary suspension pursuant to this section shall preclude any other disciplinary action based upon the same factual incident.

Comment: This section is, frankly, a sop to principals. The hope is to allow them to deal with emergencies, where feelings are running high, without imposing serious punishment upon any student. Too often in the past students have been scape-goats for anger and frustration existent throughout a school. Here the principal can "punish," even, if need be, to "save face," without doing serious damage to the student. The high procedural cost of an Article II proceeding should further encourage the principal to utilize this section. Of course the benefit to the student (e.g. in terms of future earnings or in terms of future likelihood of being labeled "delinquent" or "criminal") of not having serious disciplinary action taken against him cannot be overemphasized.

Some present statutes (e.g. §10601 of the Calif. Educ. Code) give a teacher the power to suspend a student for two school days for "good cause." I have not provided for anything of this nature in this statute because I can think of no reason why a teacher has any interest in the whereabouts or the presence of a student in the school beyond the presence of the student in that particular teacher's classroom. Teachers will, without regard to this statute, still be able to evict a child from their classroom and order him to the principal's office. I can see no reason to give them any further power.

§4 The principal shall have the sole power to initiate proceedings to suspend, transfer, or expel any student. Except as provided in §3, this process shall be commenced by the giving of notice under the provisions of §6 of this Code. Where the principal has given notice pursuant to §6 of this Code, and where the principal further determines that the continued presence of the student in the school at that time will be substantially disruptive of the physical or educational interests of the other students, the principal may suspend the student pending a hearing.

No suspension pending a hearing may continue beyond the beginning of the sixth regular school day after the day on which the suspension pending a hearing begins, or beyond the time of the hearing, whichever comes first, except as provided in §9 of this Code.

Comment: The conflict upon which I have tried to work in this section is between reducing the amount of time during which a student will be forced to remain out of school and circumscribing the discretion to be placed in the hands of the principal. It seems to me that the only way to effectively limit the discretion of the principal is to take the decision entirely out of his hands. However, giving the decision to another person or to a Hearing Board would force a delay in the hearing and would probably tend to keep a student out of school for a greater length of time. I view a long period out of school as a more serious harm to a student than placing five days of discretion in the hands of the principal.

One problem with this section is that it might be perceived as a barricade to a non-disciplinary transfer (e.g. to achieve a racial mix within particular schools.) The Code is not intended to apply to non-disciplinary transfers of students between schools within a district.

§5 No student shall be suspended, transferred, or expelled, except as provided for in §3 of this Code, by the School Board or any of its agents, except for the violation of any of the following regulations:

a) assault or battery upon any other person on school grounds;

b) continued and repeated wilful disobedience of school personnel legitimately acting in their official capacity, which results in a disruptive effect upon the education of the other children in the school; or,

c) possession or sale of narcotic or hallucinogenic drugs or substances on school premises.

Copies of these regulations shall be sent to all students, as well as to their parents or guardians, at the beginning of each school year.

Comment: The intent here was to specify every reason for suspendin transferring, or expelling a student from a school. If it is felt that there is any basis not included here which is subs tial enough to justify serious disciplinary action, it should be specified. Four other possibilities worth consideration are: 1) academic dishonesty including cheating or plagiarism;

2) theft from or damage to institution premises or property;

3) intentional disruption or obstruction of the educational function of the school;

and, 4) possession of firearms.

Additionally, provision might be made for a situation where continued conflict exists between a student and a particular teacher without this conflict having led to the initiation of disciplinary proceedings by the principal. One section of a Code might provide for a conference to adjust this type of situation. This conference might include, for example, the teacher, the student, the parents, and the school counselor, and be held after a specified number of times in which the teacher has removed the student from the class and forced him to report to the principal. Where the conflict is not based upon any larger problem than a clash of values or personality between teacher and student, it might be provided that, where possible, the student merely be transferred to another class so that no loss of time or credit would be forced upon the student merely because he is in an inferior status position compared to the teacher.

Article 2 - Hearing Procedure

§6 Prior to the imposition of any suspension, transfer, or expulsion upon any student, except as provided for in §3 above the principal shall, either in person or by certified mail, give to the student and to his parent or guardian a written notice which shall include, but not be limited to:

a) a description of the alleged act upon which disciplinary action is to be based with reference to the §5 of §5 of this Code which allegedly has been violated;

b) the nature of the disciplinary action which is sought to be imposed upon the student;

c) the time and place at which the hearing, provided for in this Article, shall take place;

and, d) a statement of the student's rights at the hearing, including, but not limited to, the right to counsel, the right to counsel at School Board expense where the student is indigent, and the right to confrontation and cross-examination of witnesses.

Comment: If the format of this "notice" provision remains one of minimum requirements, it might also be appropriate to include a list of the community resources who might serve as representatives for students. Where counsel is paid for by the School Board, as this Model provides, this would probably not be necessary. However, if the statute were amended so as to allow representation for the student but not to compel the School Board to pay for it where the student was indigent, the inclusion of a provision of this nature would seem critical. At a minimum it should inform the student of legal services offices, CAP agencies, law student representation projects, etc.

It has been suggested that, prior to a regular hearing as provided for in the next section, a conference be held among the child, the parents or guardian, and the principal. The purpose of this conference would be to discuss the basis for the proposed disciplinary action. One advantage of this would be that it would set an additional roadblock in the path of the principal considering disciplinary action. A disadvantage, however, is that the dynamics of this type of meeting would tend to allow the principal to confirm in the parents' minds the "wrongness" of the child. Thus, it would tend to diminish the support which the child should be receiving from the parent. Finally, a conference of this nature might better be held long before the principal considered using the serious disciplinary measures which this Code regulates.

§7 Prior to the imposition of any suspension, transfer, or expulsion upon any student, except as provided for in §3 above, a hearing shall be held by a Hearing Board to determine whether the imposition of the disciplinary action proposed by the principal is warranted. Except as provided in §9 of this Code, this hearing shall be held within five school days of the date on which written notice, pursuant to §6 of this Code is given.

The Hearing Board shall consist of eight members, the presence of six of whom shall constitute a quorum, to include:

a) two teachers, to be selected annually from the faculty of the school by the faculty of the school;

b) two parents of students at the school, to be selected annually by and from the parents of the students of the school;

c) two administrators from the school, appointed by the School Board;

and, d) two students selected annually from the student body by the students.

Wherever possible, no person shall serve on the Hearing Board for more than one year consecutively. A student may elect to have the proceedings of the hearing kept confidential. A student may also elect to have his hearing conducted solely by the two teachers and the two administrators as provided for in §§ a and c above, and to have the proceedings of the hearing kept confidential. This election may be made by the student at any time prior to the hearing. Such an election by the student shall not affect any of his other rights under this Code.

Comment: The principle upon which this Hearing Board is structured is one of equalization of power among competing interests. The four groups represented all seem to have different interests to protect (although all would probably continue to propagate the myth that they "had only the student's interests at heart"). Recognition of these differing interests through the grant of power to them seems to me the most just solution.

Four other possibilities for the filling of the "hearing board" function were considered. Though none of these seemed as fair as the Hearing Board proposed, all have advantages in certain situations, and are certainly preferable to most current practice. All of these are based upon the model of a hearing examiner. The difference in proposals depends upon where the examiner comes from.

The four possibilities are listed, with reservations about their adoption appended;

1) hearing examiner from voluntary panel of the bar - how do we convince attorneys to volunteer for this when, particularly in rural communities, we are hard pressed to find volunteers to represent indigents in criminal cases?

2) hearing examiners from degree candidates in colleges having elementary and secondary school curricula - how do we convince them to perform this function? are the colleges close enough to the schools to make this feasible? are they perhaps already institutionally biased?

3) where one exists, the school district ombudsman as hearing examiner - would this compromise the possible effect of other things the ombudsman might be trying to accomplish?

4) an examiner agreed upon each time by the student and the school - does the student remain in school until an examiner is selected? can a student be the equal of a principal in the bargaining which would have to occur on the choice of an examiner? what if no agreement could be reached on an examiner?

Again, any of these might prove excellent as alternatives, depending on local conditions, where the adoption of the Hearing Board is not politically feasible.

58 No finding that disciplinary action is warranted shall be made unless a majority of the Hearing Board has first found, beyond a reasonable doubt, that the student committed the act upon which the proposed disciplinary action is based. Where this finding has been made, the Hearing Board, by majority vote, shall take such disciplinary action as it shall deem appropriate. This action shall not be more severe than that recommended by the principal.

Comment: The intent is to require two separate findings, each by a majority of the Hearing Board. Only after the Board has found that the student committed the act(s) charged, may it find that the proposed disciplinary action is warranted.

§9 Any student against whom disciplinary action is proposed is guaranteed the right to a representative of his own choosing, including counsel, at all stages of the proceeding against him. If a student is unable, through financial inability, to retain counsel, the School Board shall incur the cost of retained counsel for the child. In no case may a waiver of the right to counsel be made, except by the student with the concurrence of his parent or guardian.

The representative chosen by the student may have the hearing postponed for not longer than one week where necessary to prepare his case. Where the hearing is postponed at the request of the student's representative, and where, in addition, the principal finds that the presence of the student in the school during that period will be substantially disruptive of the physical or educational interests of the other students, the principal may continue the suspension pending the hearing of the student for one week or until the hearing takes place, whichever occurs first.

Comment: It seems likely that the right to counsel at school board expense will not pass any legislature, despite the value it would have for the student. If this is the case, the statute should at least provide for representation of the student by an adult of his choice, to include an attorney if one is available. The presence of counsel is critical to the protection of a student's interests in any politically charged situation. Further, the presence of a representative in addition to the party is critical when one considers the difficulty of maintaining one's control and reason in a highly charged situation such as a disciplinary hearing where one is vulnerable.

Waiver of counsel should be determined by the same standards now in use for juveniles in delinquency hearings. (See e.g., "Juvenile Waiver of Counsel," 4 Clearinghouse Review 404, 1971).

§10 No finding may be made except upon the basis of evidence presented at the hearing. Only evidence which is relevant to the issue being considered by the Hearing Board shall be presented. Only the kind of evidence upon which responsible persons are accustomed to rely in serious affairs may be relied upon by the Hearing Board. All testimony shall be given under oath. The Hearing Board shall state, in writing, its findings of fact as well as the basis upon which these findings were made.

Comment: Analytically, the intent of this §, in combination with §8 is to require two separate findings, and thus presentation of evidence. First, the Hearing Board should determine whethe the student committed certain acts in violation of certain regulations, all specified in the notice sent to him. For this finding, only evidence relevant to that issue should be considered. Specifically, the student's "file," or other evidence of his "character" or past behavior, is specifically excluded from consideration.

Only if this first finding is made should the Hearing Board go on to consider whether the proposed disciplinary action is warranted. At this finding the principal would probably wish, and probably should be allowed, to present evidence tending to show why particular disciplinary action was recommended. Relevant portions of the student's "file" should be admissable for this purpose, assuming that the guarantee's of §11 are applicable to the contents of the file

The evidentiary standard is intended to be the new "relaxed" standard now advocated for all non-jury adjudicative hearings. The specific wording is derived from the standard proposed by K.C. Davis.

§11 The right to confrontation and cross-examination of witnesses is guaranteed to any student against whom disciplinary action is proposed.

Comment: It has been suggested that it is unrealistic to expect students to conduct their own cross-examination; that it would only produce a shouting match. This may sometimes be the case. However, the only just alternative may then be to limit the waiver of counsel to situations where the student is pleading guilty and hoping for mercy (i.e. where confrontation and cross-examination are not an issue). Of course, counsel's presence is valuable even in this situation. A study done for the President's Commission found the presence of attorneys in juvenile court to be most beneficial at disposition hearings. The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, 103 (1967).

§12 The School Board shall have the right to compel the presence before the Hearing Board, upon reasonable notice and at reasonable times and places, of any of its employees, for the purpose of presenting evidence to the Hearing Board relevant to its inquiry. The School Board shall compel the presence of any person as provided hereinabove whose presence is requested by the student against whom disciplinary action is proposed. Nothing in this section shall be deemed to infringe upon the right of either the principal or the student to present the relevant testimony of any person whose presence cannot be compelled by the School Board. Further, nothing in this section shall be deemed to infringe upon the privilege against self-incrimination guaranteed to all persons by the Fifth Amendment to the Constitution of the United States.

Comment: There is some disagreement about whether or not the School Board can compel the presence of students at the hearing. I think not, unless perhaps the hearing were held during school hours. Having the hearing during school hours seems unreasonable, however, since many parents would have either to miss the hearing or miss a day's work. It seems more reasonable to have hearings in the evening, and not worry about the problem of compelling the presence of students. Presumably the School Board could delegate the power to compel the presence of employees to the superintendent without difficulty and perhaps even without formality.

§13 No suspension shall contimue for longer than four weeks after the date of the hearing, or until the end of the semester, whichever comes first. Any student who is expelled may apply for readmission at the beginning of the subsequent school year and shall not be denied readmission on the basis of the expulsion.

§14 In the event that disciplinary action shall not be found warranted by the Hearing Board, all school records of the proposed disciplinary action, including those relating to the incidents upon which it was predicated, shall be destroyed.

Article #3 - Appeal Procedure

§15 The school board shall provide for a reliable verbatim record of any hearing before the Hearing Board, in the event of an appeal by the student.

§16 Any student against whom disciplinary action is found warranted by the Hearing Board shall be allowed to appeal, first, to the Circuit Court of the County in which the school is located, and then, through the proper appellate judicial channels of the state. The appeal shall be based upon the record of the hearing before the Hearing Board and upon the briefs and arguments of counsel for both sides. The court may, in its discretion, allow the student to remain in school pending the appeal.

Comment: An alternative to an appeal in the judicial system is an administrative appeal. See e.g. California Education Code, Section 10608 (Appeal as of right for parent or guardian to county board of education, whose determination is "final and binding"). This seems to me to be less costly but also much less politically desirable. A more desirable, and still inexpensive, alternative would be to have an ombudsman, employed either within the local school district or in the state Board of Education. The ombudsman would, of necessity, be required to be totally independent of the regular school hierarchy. If such an ombudsman existed, he could handle all appeals administratively and thus do away with the need to continually use the court system to handle appeals from Hearing Board decisions. Of course, as was noted earlier, having an ombudsman perform these functions might well compromise his effectiveness on other matters with which he is dealing.

The School Board shall, upon written notification that an appeal is being taken by a student, immediately prepare an accurate transcript of the record of the disciplinary hearing, a copy of which shall be provided to the student for use on appeal. The School Board shall be responsible for providing a copy of this transcript to the court for its use in considering the appeal.

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A MODEL STUDENT CODE

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MODEL STUDENT CODE

1.0 RULES GOVERNING STUDENT DISCIPLINE

2.0 STUDENT RECORDS

3.0 SEARCHES OF STUDENTS

4.0 POSSESSION AND DISTRIBUTION OF LITERATURE

5.0 FREEDOM OF EXPRESSION AND ASSEMBLY

6.0 FREEDOM OF RELIGION

7.0 EQUAL EDUCATIONAL OPPORTUNITY

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9.0 SUSPENSION

10.0 EXPULSION AND INVOLUNTARY TRANSFER

11.0 INVOLUNTARY CLASSIFICATION

12.0 EDUCATION FOR EXCLUDED STUDENTS

13.0 CORPORAL PUNISHMENT

MODEL STUDENT CODE

1.0 RULES GOVERNING STUDENT DISCIPLINE

1.1 This Code and any additional rules governing student discipline shall be distributed to students and their parent(s) or guardian(s) at the beginning of each school year and shall be posted in conspicuous places within each school throughout the school year. Changes in the rules shall not take effect until they are distributed to students and parents.

Comment: The Commission believes that human rights in the schools are not fostered by reliance on unwritten, ad hoc, or ex post facto rules governing student discipline. Rather, to insure that teachers, students, and administrators have an opportunity to know and understand disciplinary rules, the Commission recommends that such rules be written and distributed before they take effect.

2.0 STUDENT RECORDS

Introductory Comment: The Commission recommends that students have greater access to and more control over their personal school records. Greater access will guard against inaccurate, irrelevant, and obsolete material entering and remaining in the record. More control over the dissemination of records will reduce misunderstanding and misuse of these highly personal data.

2.1 Student records shall be defined as any material concerning individual students maintained in any form by the school board or its employees, except personal notes maintained by teachers and other school personnel solely for their own individual use and not communicated to any other person.

Comment: Student records are maintained in many places and many forms by a school system. If access to student records is to be meaningful, the Commission believes that all these records, with specific exceptions, should be accessible. One such exception is stated in this section. Notes on students that teachers, counselors, and other personnel maintain for their own individual use should be protected from student and parental access. It is not professionally feasible to require that such notes be opened to students or parents. Moreover, because the substance of these notes is not communicated to anyone, no harm from their maintenance can be suggested which would outweigh the inconvenience caused by granting access to them.

2.2 All records on a student, with the exception of personal evaluations submitted in confidentiality before the adoption of this section, shall be open to that student's parent(s) or guardian(s). Such records shall also be open to the student with the consent of one of his parent(s) or guardian(s), except that consent is not required for any student in the 10th, 11th, or 12th grades. The school shall provide whatever assistance is necessary to enable the student and his parent(s) or guardian(s) to understand the material in the record.

Comment: The Commission believes parents have a basic right to inspect all records on their own children maintained by the school system. The only exception should be personal evaluations submitted before the adoption of this Code with the understanding that they would not be accessible to the student or parents. Through ninth grade the student cannot inspect the record without the consent of one of his parents. Thus, while the student is in the first nine grades, parents will judge whether material in the record is appropriate for the student's inspection. After that, parental consent is not required. Whatever harm might result from a 10th, 11th, or 12th grader viewing personal data is outweighed by a judgment that a student of this age should have an independent right to inspect his own record. Because some of the material in the record may not be readily understood, the school should provide whatever oral or written explanation is necessary to knowledgeably inspect the record.

2.3 Any personal evaluations submitted in confidentiality prior to the adoption of this Code shall either be destroyed within one (1) year of the adoption of this Code or the source and date of any such evaluations shall be listed and this list shall be made available with the other portions of the record within one (1) year of the adoption of this Code.

Comment: Section 2.2 recognized the need to withhold from student and parental access personal evaluations submitted in confidentiality before the adoption of this Code. This exception to the general rule of accessibility is recommended in fairness to persons who submitted personal evaluations under an explicit or implicit condition that such evaluations would not be viewed by students or parents. The Commission believes that school systems can honor this condition while simultaneously minimizing any harmful effects stemming from the maintenance of confidential materials. One way of achieving both objectives is to destroy all confidential records. Another is to identify any confidential documents with enough specificity to allow the student and/or parents to find the source of the documents and request their voluntary release. Although this section requires full compliance within one year of the Code's adoption, the Commission recommends that until full compliance is achieved school systems should destroy or list all confidential documents in any files inspected by students, parents, or outside parties.

2.4 The student and his/her parent(s) or guardian(s) shall be allowed to submit any material to the record including, but not limited to, written response to any material unfavorable to the student contained in the record. The principal, or the next superior school official not involved in the record entry, may under appropriate circumstances expunge material from the student's record upon the request of the student or his/her parents.

Comment: As a further means of reducing any potential harmful effects of student records, the Commission believes that students and parents should be allowed to insert material of their choice in the record. Examples of the types of materials which may be inserted under this section are results of outside testing and evaluation, medical or psychological reports, and explanations of unfavorable material appearing in the record. It is also essential that appropriate school officials be authorized to expunge material from a student's record upon the request of the student or his/her parents. Examples of materials for which a student or his/her parents might request expungement are harmful anecdotal entries, results of testing which occurred on a day when the student was under an emotional or physical strain, or obsolete and irrelevant materials.

2.5 The consent of the student and one parent or guardian shall be required each time and for each item in the student's record divulged to any person except certificated professional personnel employed by the local school board and having direct educational contact with the student. The consent of a parent or guardian is not required if the student is in the 10th, 11th, or 12th grades.

Comment: The Commission believes that students and parents should determine what persons, if any, outside the local or state school department should inspect the student record. This section applies, but is not limited in its application, to private and governmental agencies, colleges and universities, branches of the military, credit bureaus, and businesses. A student may grant advance permission to release his record to specific persons or institutions. Of course, this section would yield to a valid search warrant or a subpoena issued by a court.

2.6 Any research involving student records shall be subject to the provisions of this Code. Any reports or publications based on such research shall not contain the names of individual students.

Comment: This section is necessary to indicate that research conducted by persons either inside or outside the school system is not exempt from the provisions of this Code. Further protection against potential abuse of student records by researchers is provided by prohibiting the use of student names in any research reports based on student records.

3.0 SEARCHES OF STUDENTS

3.1 Searches of a student's person, his/her personal possessions, or his/her locker without a valid search warrant shall be prohibited unless the principal has a reasonable basis for believing that the student is concealing material the possession of which is prohibited by federal, state, or local law or the provisions of this Code.

Comment: One purpose of this section is to eliminate general searches where without prior notification all students are required to open their lockers for inspection by the school staff. Another is to require that searches of a particular student's person, personal possessions, or locker may proceed only if there is a reasonable belief that contraband is hidden in that locker.

4.0 POSSESSION AND DISTRIBUTION OF LITERATURE

4.1 Students shall have the right to distribute and possess any form of literature, including but not limited to, newspapers, magazines, leaflets, and pamphlets; except that the principal may prohibit a specific issue of a specific publication if there is a substantial factual basis for believing its possession or distribution will cause or is causing substantial disruption with school activities. This right of distribution shall extend to school grounds and buildings, absent the requisite finding of disruption.

Comment: Sections 4.1-4.3 apply to literature published on or off campus and to literature sponsored or not sponsored by the school system. The Commission believes that it is no longer consistent with human rights in the schools to restrict student possession and distribution of literature merely because its contents are controversial or because certain words offend a part or even a majority of the population. Extraordinary circumstances arise, however, where the principal believes that possession or distribution of particular literature will materially endanger the normal functions of the schools. This section allows the principal to suppress a specific issue of a specific publication under appropriate circumstances.

4.2 The principal or any member of the school staff shall not require that literature, including school-sponsored publications, be submitted for

approval or consent prior to distribution. The principal may require that no literature be distributed unless a copy thereof is submitted to the principal or his designee no later than the time distribution commences.

Comment: Prior review of literature may inhibit the exercise of First Amendment freedoms. Accordingly, student possession or distribution of literature should not await administrative approval. Students distributing literature may be required to submit a copy to the principal no later than the time on-campus distribution begins. Students possessing literature and not distributing it to others shall not be required to submit such literature under this section.

4.3 The time, place, and manner of student distribution of literature may be reasonably regulated by the principal provided such regulations:

- **a. are uniformly applied to all forms of literature;**
- **b. do not prohibit distribution at times or places either inside or outside the school building for which no factual basis exists to conclude that any interference with school activities would occur;**
- **c. are specific as to places and times where distribution is prohibited;**
- **d. do not inhibit any person's right to accept or reject any literature distributed in accordance with the rules.**

Comment: The primary purpose of this section is to allow regulation of literature distribution so that this activity will not infringe upon school activities. It may be desirable, for example, to ban distribution near the doors of classrooms while class is in session or near building exits during fire drills. But these regulations must be reasonable; they may not relegate literature distribution to remote times and places which are unnecessary to avoid interference with school activities.

5.0 FREEDOM OF EXPRESSION AND ASSEMBLY

5.1 Students shall have the right to express themselves by speaking, writing, wearing, or displaying symbols of ethnic, cultural, or political values such as buttons, badges, emblems, and armbands, or through any mode of dress or grooming style or through any other medium or form of expression; except that the principal may regulate expression provided there is a factual basis for believing a specific form of expression by a specific student will cause or is causing substantial disruption of school activities. Students shall also have the right to refrain from expressing themselves.

Comment: The courts have clearly indicated that the First Amendment rights of students do not stop at the door to the school house. The right of students to freely express themselves, in the absence of a finding of substantial disruption, has been firmly established.

5.1 The freedom of students to assemble in a non-disruptive time, place, and manner shall be preserved.

Comment: In exercising their freedom to assemble, students need not be allowed to disrupt or disturb classroom instruction or to unduly inconvenience school officials with untimely meetings.

6.0 FREEDOM OF RELIGION

6.1 Students shall have the right to refuse to participate in or attend any form of religious activity, including but not limited to, prayers, songs, readings, meditations, and seasonal programs.

Comment: Efforts persist to reestablish religious observances in the schools. Whatever the outcome of these efforts, the Commission believes that the right of each student to refrain from engaging in any form of religious activity in the schools must remain inviolate. Further, school officials have an affirmative responsibility to avoid any harmful effects being visited upon students exercising their right to refuse participation in religious activities.

7.0 EQUAL EDUCATIONAL OPPORTUNITY

7.1 The right of a student to participate fully in classroom instruction and extracurricular activities shall not be abridged or impaired because of age, sex, race, religion, national origin, pregnancy, parenthood, marriage, or for any other reason not related to his/her individual capabilities.

Comment: The Commission believes that discrimination has no place in public education. Schools should be open to all who wish to enjoy their benefits. This right should not be curtailed because the student possesses characteristics which do not conform to majority patterns. The list of prohibited discriminatory factors in this section is not intended to be exhaustive. The commitment to equal educational opportunity extends to all factors upon which the impairment of educational services cannot be rationally based.

Introductory Comments to Sections 8-12: Before school systems adopt these provisions, they should determine if statutes in their state would conflict with this Code. Indiana, for example, has enacted a detailed statute governing suspensions and expulsions which would apparently preclude the adoption of Sections 8-11 of this Code by local Indiana school boards. Many other states have enabling statutes granting school officials broad authorization to suspend and expel pupils. These statutes do not generally preclude local school boards from adopting policies to give students greater protection as school officials exercise their statutory authority. Even in these states, however, statutes may exist governing a narrow aspect of the suspension-expulsion procedure which would conflict with this Code. In short, a sound approach to this Code would require a thorough review of statutes (and case law) on student discipline.

The sections on suspension and expulsion form the heart of any student disciplinary Code. The Commission believes that human rights in the schools can be fostered if the procedures governing suspensions and expulsions are spelled out in sufficient detail so that misuse and misunderstanding of the system do not occur. As a general principle in drafting these provisions, the Commission determined that procedural protections for students should increase as the severity and potential long-term effects of disciplinary measures increase. Thus, in this Code, more procedural safeguards are provided before expulsion than before suspension, and more before suspension than before temporary suspension. In addition, the Commission attempted to reduce the unnecessary collateral effects – any harmful effects upon the student beyond the validly determined exclusion from school – caused by these disciplinary measures. To achieve this objective it was necessary to carefully review policies regarding student records, academic punishments, and access to instruction during exclusion.

8.0 TEMPORARY SUSPENSION

8.1 A student may be temporarily suspended by the building principal only if the principal has reasonable cause to believe that:

a. the physical safety of the student or of others is substantially endangered and will continue to be endangered; or

b. the student is causing and will continue to cause substantial interference with classroom instruction.

Such temporary suspension shall be preceded by an informal conference between the student, the principal, and the teacher or supervisor who referred the student to the principal. At this conference the student shall be informed of the reason for the disciplinary action and shall be given the opportunity to persuade the principal that the temporary suspension is not warranted.

8.2 A temporary suspension shall terminate when it is reasonably determined that the student's presence in the school will not result in a situation warranting temporary suspension under section 8.1, and in no case shall it last beyond the end of the school day following the day the temporary suspension began.

8.3 Within twenty-four (24) hours of the beginning of a temporary suspension, the principal shall mail a notice to the parent(s) or guardian(s) of the suspended student stating the specific act(s) for which the temporary suspension was ordered. On or before the day such notice is postmarked, the principal shall make a reasonable effort to contact the parent(s) or guardian(s) of the student by telephone to communicate directly the information contained in the written notice.

8.4 A student may not be excluded from school under temporary suspension for more than eight (8) school days or portions thereof in one school year unless on or before the ninth (9th) day of temporary suspension and at the beginning of any subsequent temporary suspensions, the principal commences the notice and hearing procedure provided in 9.1-9.10. All records and documentation regarding a temporary suspension shall be destroyed at the end of each school year. No information about a temporary suspension shall be communicated to any person not directly involved in the disciplinary proceedings.

8.5 A second temporary suspension shall not be ordered within five (5) school days of the first unless the principal recommends a suspension or expulsion hearing and follows the procedure outlined in 9.1-9.10. This second temporary suspension may last until the suspension or expulsion hearing if the principal determines that the continued presence of the student would result in a situation warranting temporary suspension under section 8.1.

Comment: Many school systems allow principals to suspend students for any reason and without notice or hearing. The permissible length of these discretionary summary suspensions varies, but may range up to ten days or more. In recent years, the courts have become increasingly uneasy about this carte blanche authority to suspend students and have imposed numerous procedural safeguards. The Commission has examined these cases and has attempted to formulate a disciplinary process which provides adequate due process protection for students while allowing school officials to maintain order.

The Commission believes that the power of temporary suspension should be used only under the extraordinary conditions described in section 8.1. This will allow the principal to cope with any emergency warranting the immediate exclusion of a particular student. Even under these circumstances, the Commission believes it is possible and fair to have a conference with the student informing him/her of the reasons for the temporary suspension and allowing the student to contest the suspension. For example, the student ought to have an opportunity to persuade the principal that this is a case of misidentification or, for some other reason, the penalty is not warranted.

Not only should the use of temporary suspensions be limited to extraordinary circumstances, but should be limited in length and frequency as well. Thus, section 8.2 limits each temporary suspension to 2 days and section 8.4 limits temporary suspension in any school year to a total of 8 days. Once the 8-day limit is reached, the student can be temporarily suspended only if notice and hearing procedures are commenced. Likewise, section 7.5 regulates the frequency of temporary suspension. If extraordinary circumstances recur within 5 days after the student has been reinstated from a temporary suspension, the principal may temporarily suspend the student again provided notice and hearing procedures are commenced. This second temporary suspension may last until a suspension hearing is held.

9.0 SUSPENSION

9.1 The principal shall not recommend suspension unless the student while on school grounds or during a school activity off school grounds:

a. intentionally causes or attempts to cause substantial damage to school property or steals or attempts to steal school property of substantial value; or

b. intentionally causes or attempts to cause substantial damage to private property or steals or attempts to steal valuable private property; or

c. intentionally causes or attempts to cause physical injury to another person except in self-defense; or

d. knowingly possesses or transmits any firearm, knife, explosive, or other dangerous object of no reasonable use to the student at school; or

e. knowingly possesses, uses, transmits, or is under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbituate, marijuana, alcoholic beverage, or intoxicant of any kind; or

f. knowingly uses or copies the academic work of another and presents it as his own without proper attribution; or

g. repeatedly and intentionally defies the valid authority of supervisors, teachers, or administrators.

9.2 If the principal chooses to recommend a suspension not to exceed seven (7) school days, he/she shall mail a notice to the student and to the student's parent(s) or guardian(s) within twenty-four (24) hours of the alleged act(s) upon which the recommendation is based or within 24 hours of the time he/she learns of such alleged act(s). Such notice shall be in the language of the parent(s) or guardian(s) as well as in English and shall contain:

a. a complete description of the school regulation(s) allegedly violated by the student; and

b. a full statement of the facts leading to the principal's recommendation for suspension; and

c. specific reference to the student's right to have a private hearing before an impartial hearing officer at which a tape recording will be made and at which the student and his parent(s), guardian(s), and adult representative, if any, shall be allowed to question adverse witnesses, contradict written statements of absent witnesses, and present evidence in the student's defense, including the presentation of live witnesses; and

d. the time and place of a hearing to be held no later than four (4) school days from the date the notice is postmarked, except the principal shall not schedule the hearing at a time prior to when he/she would reasonably expect the notice to arrive at the home of the parent(s) or guardian(s). The student shall be informed of his right to a reasonable postponement of the hearing date for the purpose of preparing his/her defense;

e. specific reference to the student's right to have access to his/her records as provided by sections 2.1-2.5 of this Code.

9.3 On or before the day the notice in section 9.2 (or section 10.2 in the case of an expulsion or involuntary transfer) is postmarked, the principal shall make a reasonable effort to contact the parent(s) or guardian(s) of the student by telephone to communicate directly the information contained in the written notice.

9.4 Unless the student is temporarily suspended under the provisions of sections 8.1-8.5, he/she shall continue to participate in regular classroom instruction pending the hearing.

9.5 If the student's parent(s) or guardian(s) are unable or unwilling to attend the hearing, the student may designate an adult to be present at the hearing. The hearing shall be postponed upon the student's request to enable the student to secure the presence of an adult.

9.6 The hearing shall conform to these guidelines:

a. An impartial hearing officer, who may be an employee of the school board but not assigned to the school where the student is enrolled, shall be appointed by the superintendent or his designee to conduct the hearing.

b. The student shall be present during the presentation of evidence. If witnesses against the student testify at the hearing, the student and his parent(s), guardian(s), or representative shall be allowed to question such witnesses. If written statements of witnesses against the student are submitted as evidence, the witnesses shall be identified by name, and the student, his parent(s), guardian(s), or representatives shall be allowed to contradict these statements. The student shall be allowed to submit evidence in his own defense including the presentation of live witnesses.

c. The hearing shall be private unless the student requests that it be public.

d. A tape recording shall be kept of the entire hearing and a copy of this recording shall be available to the student at no cost upon request.

9.7 Within twenty-four (24) hours of the hearing, the hearing officer shall determine, based only on the evidence presented at the hearing, whether there is substantial evidence that the student violated a specific written regulation of the school board. If the hearing officer determines that a violation has occurred, he shall further determine the appropriate penalty but in no case shall a suspension exceeding seven (7) days be ordered. If the student was temporarily suspended under section 8.1-8.5 in connection with this violation, the number of days of temporary suspension shall be deducted from the length of the suspension determined by the hearing officer.

9.8 The hearing officer shall fully record his findings of fact. Within twenty-four (24) hours of the hearing, one copy of the findings shall be mailed to the student; one copy to his parent(s) or guardian(s); one copy to the student's designated hearing representative, if any; and one copy to the principal.

9.9 If the hearing officer determines that no violation has occurred, the student, if temporarily suspended, shall be immediately reinstated, all records and documentation regarding the disciplinary proceedings shall be immediately destroyed, and no information regarding the hearing shall be placed in the student's permanent record or file or communicated to any person except as provided in section 9.8.

9.10 If suspension is ordered, no academic penalties shall be imposed upon the student while he/she is excluded from school. A suspended student shall be allowed to complete all assignments and tests missed during the suspension. All records and documentation regarding the suspension shall be destroyed at the end of the school year, and no information regarding the suspension shall be placed in the student's permanent record or file or communicated to any person except as provided in section 9.8.

Comment: Section 9.1 delineates the types of student misconduct warranting suspension. The Commission recognizes that school systems may wish to add to or delete from this list depending on policy considerations in their locale. Any additions should clearly describe the prohibited activity and should be limited to behavior for which suspension is an appropriate penalty.

The remainder of the sections on suspension reflect the principle that when the penalty increases so should the procedural safeguards. Accordingly, section 9.2 provides for notice; 9.6 for a hearing before an impartial hearing officer; and 9.8 for findings of fact.

Section 9.10 is designed to minimize any unnecessary collateral effects of suspensions. The purpose of the suspension is to punish the student by excluding him from regular classroom instruction. It is unwise to add to the punitive effect of the suspension by imposing academic penalties such as reduced grades. The Commission believes that a suspended student should be given every encouragement to benefit from classroom instruction when he/she returns to school. The imposition of academic penalties during suspension only discourages the student and tends to lead to the same behavioral problems which caused the suspension. For the same reason, the Commission believes that the student should be allowed to complete assignments and tests during exclusion. Finally, the Commission does not believe that records on a suspension should be maintained beyond the end of the school year. The record serves no legitimate purpose and can have potentially harmful effects on the student long after the penalty has been served.

10.0 EXPULSION AND INVOLUNTARY TRANSFER

10.1 The principal may recommend expulsion, which shall be defined as exclusion from regular classroom instruction for any period exceeding seven (7) school days, or involuntary transfer to the regular classroom program of another school during the school year only if the student persistently violates section 9.1 of this Code in such a manner that his removal is necessary to protect the physical safety of others or to prevent substantial interference with the right of others to pursue an education.

10.2 If the principal recommends expulsion or involuntary transfer, he/she shall mail, within twenty-four (24) hours of the alleged act(s) upon which the recommendation is based or within twenty-four (24) hours of the time he/she learns of such alleged acts, a notice to the student and to his parent(s) or guardian(s). Such notice shall contain:

a. a statement that the principal is recommending expulsion or involuntary transfer of the student and, in the case of an involuntary transfer, the name and address of the school to which transfer is recommended;

b. the length of time for which expulsion or involuntary transfer is being recommended;

c. a complete description of the school regulation(s) allegedly violated by the student;

d. a full statement of the facts as known to the principal leading to the recommendation for expulsion;

e. a list of the witnesses against the student and the nature of their testimony;

f. the time and place of a hearing to be held no sooner than five (5) school days from the date notice is postmarked unless an earlier hearing date is requested by the student;

g. specific reference to the student's right to have a hearing, to have an attorney represent him/her at the hearing, to present witnesses, to cross-examine adverse witnesses, and to have a verbatim transcript or tape recording of the hearing provided by the school board at no cost to the student, and to have access to his/her school records as provided by sections 2.1-2.5 of this Code;

h. the addresses and telephone numbers of all local legal services offices and other sources of free or inexpensive legal assistance.

10.3 The principal and hearing officer shall follow sections 9.3-9.10 in establishing and conducting the hearing, except:

a. The hearing shall be conducted before a hearing panel, which will be composed of the hearing officer as chairperson and voting member, 2 teachers elected by the teaching faculty, and 2 students elected by the student body at the beginning of each school year. In expulsion proceedings, findings of fact and penalties shall be determined by a majority vote of the hearing panel.

b. All witnesses presenting testimony against the student shall appear in person at the hearing. The student, his/her parent(s) or guardian(s), and his/her attorney shall be allowed to cross-examine such witnesses.

c. A tape recording or verbatim transcript of the hearing shall be made and a copy shall be available to the student on request at no cost.

10.4 To impose expulsion, the hearing panel must find that:

a. the student violated section 9.1 of this Code at least three (3) times during one (1) school year and that each violation was serious enough, in the absence of other violations, to warrant suspension; or

b. the continued presence of the student in school would endanger the physical safety of others or cause substantial interference with the right of others to pursue an education.

10.5 No expulsion shall extend beyond the end of the school year during which the acts leading directly to the expulsion occurred.

10.6 In any case where the hearing panel imposes expulsion, the student shall have the right to request an appeal hearing before the school board, or before a committee consisting of at least three voting members of the school board. This appeal hearing shall be held within one week of the date such request is made.

10.7 The board or committee thereof conducting the appeal hearing shall specifically determine if there was sufficient evidence to find that the

alleged violation(s) occurred and if the penalty imposed was appropriate for the violation(s). At the appeal hearing:

a. The board or committee shall review all written documents in the case and if requested review the entire recording or transcript of the hearing below or those portions thereof designated by the student and principal.

b. The student and his representative, including an attorney, may address the board or committee on the evidence at the hearing below and the appropriateness of the penalty.

10.9 The student shall participate in regular classroom instruction pending the appeal hearing unless the hearing panel specifically finds that continued presence of the student in school will endanger the physical safety of others or substantially interfere with the right of others to pursue an education. The number of days the student is excluded from school under this section and under sections 8.1-8.5 shall be deducted from the length of the expulsion or involuntary transfer if such expulsion or involuntary transfer is for a specific number of days.

Comment: Expulsion and involuntary transfer are very serious disciplinary measures. They should be imposed only after the student has had full procedural protection. Consequently, the procedures prior to an expulsion or involuntary transfer are more elaborate than those preceding a suspension. The additional protection provided a student in an expulsion case includes having an attorney present at the hearing (at the student's expense), confronting all adverse witnesses, conducting the hearing before a panel, and having the right to appeal the panel's decision to the school board or a committee thereof.

11.0 INVOLUNTARY CLASSIFICATION

11.1 Before any student is involuntarily classified into special classes for mentally, emotionally, behaviorally, or physically impaired children, the student and his parent(s) or guardian(s) shall be entitled to all rights of notice, hearing, and appeal contained in sections 10.2-10.9 except:

a. in the notice required by section 10.2, the parent(s) or guardian(s) shall be informed of their right to obtain an independent diagnostic evaluation of the student at the school board's expense and shall be given the names, addresses, and telephone numbers of appropriate local diagnostic agencies; and

b. in the notice required by section 10.2, the parent(s) or guardian(s) shall be specifically informed of their right to have copies of all tests and reports upon which the proposed action is based and to present expert medical, psychological, and educational testimony at the hearing; and

c. the student, and his/her parent(s) or guardian(s) shall be given sufficient time to prepare for the hearing, except that if the student is temporarily suspended pending the hearing under section 8.5 the hearing shall be held no more than 30 days from the day the notice in section 10.2 is postmarked; and

d. to impose involuntary classification, the hearing panel must find that placement in a special school class or program would substantially improve the student's ability to benefit from school attendance.

Comment: Although involuntary classification is not always imposed as a disciplinary measure, there are enough such cases to warrant special procedural safeguards prior to all types of major involuntary classification. And, in addition to its potential use as a disciplinary measure, involuntary classification can have adverse long-run effects on a student's opportunities in later life. Thus, all the procedures required prior to an expulsion were incorporated into this section and some additional safeguards were provided.

12.0 EDUCATION FOR EXCLUDED STUDENTS

12.1 Any student temporarily suspended, suspended, or expelled from regular classroom instruction shall be allowed full use of his/her regular textbooks and shall be provided with the assignments and tests for the classes from which he/she has been excluded. In addition, the student shall be allowed to participate at no cost in any alternative forms of instruction such as night school, tutoring, televised instruction, or correspondence courses provided to the public by the school board.

Comment: Please see *Comment* following Suspensions, section 9.0.

13.0 CORPORAL PUNISHMENT

13.1 Students shall not be subject to corporal punishment.

Comment: The Commission believes that corporal punishment is inconsistent with the values expressed in this Code. Furthermore, there is no need to resort to corporal punishment because this Code provides ample authority to deal with disruptive students without inflicting physical pain upon them.

October 1, 1975

STATEMENT

to be submitted in the record of
Hearings on Violence and Vandalism before the

Subcommittee to Investigate Juvenile Delinquency

U.S. Senate Committee on the Judiciary

by

Dr. Owen B. Kiernan

Executive Secretary
National Association of Secondary School Principals

The NASSP presented testimony before the Subcommittee in its first set of hearings on the subject of violence and vandalism in the schools on April 16, 1975. It did not, therefore, request the opportunity to appear again at the second series of hearings held September 17, 1975. Because the latter hearing focused on different but equally important aspects of certain school problems, and because no spokesman for educational administrators appeared, the NASSP feels that it is necessary to supplement its earlier testimony with this statement.

The focus of the September 17 hearings was announced to be (1) parental involvement in schools as an approach to the problem of violence and vandalism, and (2) the general subject of student rights and responsibilities, including suspensions, expulsions, and student codes.

Parental Involvement

Our major emphasis will be on the latter subject, but let us say, generally, on the matter of parental involvement that we fully support it and strongly believe that it is an important element, not only in the reduction of violence and vandalism in the schools, but in the overall process of maintaining an adequate environment in which successful education can take place. Indeed, in the recent Report of a Task Force of professionals and citizens concerned with secondary education on which I was privileged to serve, one of the primary principles agreed to was: "Citizens and parents must become more involved in the activities of high schools." (Introduction p. xvii of The Adolescent, Other Citizens, and their High Schools, I.D.E.A., hereinafter referred to as the Kettering Task Force Report.)

With the advantage of having been able to review the testimony of the witnesses before the Subcommittee on September 17, I can truthfully say that there is nothing on the subject of parental involvement in the statements of the spokesmen for either the National PTA or the National Committee for Citizens in Education (NCCE) with which I--and I dare say most of our members--would disagree. I was particularly pleased with the statement of Mr. William Rioux on behalf of NCCE setting forth the rights and responsibilities of parents of school pupils. It is this kind of balanced approach that we, as principals, also believe should be taken toward parents, students, teachers, and, of course, administrators. Without it, no problem of education will be reduced, let alone eliminated.

Believing too with Mr. Rioux, that the best approach to the problem of violence and vandalism in the schools is one requiring "honest, plain-spoken collaboration between parents, students, educators, security personnel, and police" it is our intention to invite national organizations representing all of these interests to join the NASSP in an effort to develop solutions to the problem of violence and vandalism and to disseminate our findings to members of all of our groups. We would hope, and urge, that the federal government would cooperate with and assist us in this effort.

Student Conduct and Discipline

Turning to the other subject of the September 17 hearings, the NASSP was somewhat disappointed to note the absence of any administrator, teacher, or even student views presented on the important subjects of student conduct and discipline. Fortunately, several of those who presented testimony stressed the importance of taking into consideration the rights, responsibilities and general welfare of all of these parties to the educational process, as well as the parents and other citizens of the community.

Most, if not all of those who testified also recognized the importance of maintaining the educational process itself as well as protecting the rights of individual students participating in it.

It must be recognized, however, that these interests often collide, and in the day-to-day administration of a school, there is little value, and precious little time for philosophical statements or equivocal generalizations. Hard choices must be made, and made quickly. It was this reflection of the realities of school life which we find missing in most of the statements made at the September 17 hearing.

Many student advocate groups make brief acknowledgement of their concern with the interest of the public and the large majority of school pupils in maintaining a school environment in which the educational process can be carried on. Having done so, however, primary attention is focused upon the abuse of individual rights of those pupils accused of disrupting the process or of violating some other school rule. Before proceeding to some specific issues in the area of student conduct, let me be as definite and unequivocal as I can on this general issue. A school principal's first responsibility is to the school and to the very large majority of pupils and their parents who share its objectives. It is only within that context that the rights of those with other goals or objectives can be recognized.

As Mr. Rioux so clearly states, "All of the actors in this painfully real drama of violent behavior in schools have rights and reponsibilities." Unfortunately, the rights of some of these actors will conflict with those of others, and choices must then be made, even if they are hard ones. Most principals will admit, however, that the choice is not difficult when it lies between the repeatedly violent or disruptive pupil and the rest of the pupils, and their parents. They would certainly subscribe to his statement, "Parents have a right to expect that their children will be physically safe in an atmosphere that should help them in their efforts to learn." We would further agree that, "Parents have a right to expect that their concern for the physical safety of their children will receive serious attention and response."

Suspensions and Expulsions

Despite repeated suggestions to the contrary by some witnesses, it is not our experience that the first impulse of administrators faced with problems of student conduct is to suspend or expel the student. Indeed, the Report of the Children's Defense Fund (CDF) is replete with examples not only of individual principals seeking alternatives to exclusion of pupils, but articles and speeches presented through our organization and other professional educator groups on this topic. (See CDF Report, *School Suspensions, Are They Helping Our Children?* p. 90, footnote 37.) Other recent examples of efforts by NASSP are articles in our *Bulletin* of May 1975, p. 53, and *The Practitioner* of March 1975.

What principals and, I am sure, other educators resent is the tone of many outside critics whose major point seems to be to convince the public that the large majority of educators doesn't care about children and want only to rid themselves of any who cause any kind of disciplinary problem. We would submit that this is patently untrue.

In this connection, I must comment specifically on the report of the CDF and the testimony of its spokesman, Mrs. Marian Wright Edelman, concerning the reasons for expulsion and suspension. This aspect of the Report has drawn much attention because of dramatic charges such as these:

- The vast majority of suspensions were for non-violent, non-dangerous offenses.
- 25 percent were for truancy or tardiness.
- Less that 3 percent were for destruction of property, use of drugs or alcohol, or other criminal activity.

CDF indicated that its report was based on government figures (from data submitted by school systems to HEW's Office of Civil Rights) and from its own surveys. What is not made clear is that the OCR data only included numbers of suspensions, percent of students suspended, and comparisons of these numbers by racial categories. All of the data on reasons for suspension are drawn from CDF's own surveys, based on a much smaller sample than the OCR data, and were drawn totally from interviews with parents in their homes. The reasons for exclusion "given by school officials" are therefore based solely on the parents' opinion of what those reasons were.

While NASSP has not conducted any survey of its members on this subject, we plan now to do so, and are confident that the results will not support those of the CDF. One fact alone supports this expectation. Very few school districts permit the use of suspension for the kinds of minor, non-violent transgressions of such concern to some of the witnesses before the Subcommittee, unless the violation is a repeated one. In these cases, the suspension is actually imposed because of the demonstrated refusal of the pupil to comply with school rules, rather than the particular violation itself. Such continued refusal to follow the rules of the school, even after attempts to solve the problem have been made would certainly seem to be a legitimate reason for suspension. Perhaps this distinction escaped the CDF researchers.

Finally, we would note that the CDF Report itself notes that 36.6 percent of all suspensions in its survey were for fighting, but adds that only 1.6 percent were for fights with teachers or other school personnel. The rest were, in Mrs. Edelman's words, "ordinary student-to-student scuffles." So worded, suspension for this reason may sound like a harsh remedy but, as other witnesses have indicated, nothing is taken more seriously by parents than physical attack upon their sons and daughters. School principals would fully concur in this judgment, and financial liability assigned them by courts for physical injury resulting from such attacks has made it clear that the courts regard the prevention of such incidents to be a part of their administrative responsibility.

In regard to the findings of both the CDF and of OCR itself that a higher percentage of black students than white are the subject of school suspensions and expulsions, let me say on behalf of the NASSP that we are as distressed as anyone if these data result from racially discriminatory action by any educator. We must express the caution, however, that the disproportion in these statistics should not be automatically assumed to result from discrimination. The CDF's rejection of the view that the difference between the 4.4 percent suspension rate of all students and the 7.3 percent rate for all black students merely reflects the levels of misbehavior in the two groups may be correct, but there appears to be no evidence available as yet to support either contention. We would hope that further investigation will provide a better basis for an informed opinion. In the meantime, while we fully support the efforts of OCR and others to eliminate discrimination in school discipline wherever and whenever it is found, we would object to attempts to characterize all data evidencing a higher rate of discipline for blacks than for whites as proof of racial discrimination.

Student Rights and Responsibilities

In closing this statement, let me say just a few words on the subject of student rights and responsibilities, although clearly it is a very large subject. In the interest of brevity, and to narrow the issues as much as possible, let me try to dispel some of the spectres raised by earlier witnesses.

- Every respectable educator would today agree that students have, and should enjoy, all of the basic constitutional and civil rights of other persons of their age and capacity. Furthermore, again quoting the Kettering Task Force's major principles: "Students must be informed of their rights and assured that such rights will be supported by due process procedures." (Introduction, p. xvii.) Most principals would agree with Professor Robert Phay's testimony that the best way to meet this obligation is to establish a written code, with student participation, copies of which are distributed to all students.

- Every respectable educator accepts the decisions of the U.S. Supreme Court as the law of the land, including the *Tinker* decision and the more recent decisions in the *Goss* and *Strickland* cases. What is more, contrary to some of the testimony before the Subcommittee, most educational administrators found little of concern in the *Goss* opinion regarding due process to be accorded in cases of short-term suspension. Certainly, this is the stated position of the NASSP.

What does trouble many educators, however, is the constant pressure of various groups for increased restriction of the use of all disciplinary powers by school authority. Suspension comes in for the major share of criticism, but if pressed, such groups as the American Civil Liberties Union, as it made clear in its testimony to the Subcommittee, are equally opposed to corporal punishment, transfer to other schools, or even to special alternative educational programs. Any expressions of understanding and acceptance of the need for disciplinary action by school administrative personnel are quickly coupled with demands for so much of the due process required in a criminal court action, that such expressions can only be regarded as either a lack of candor or of understanding of the realities of life in a modern school.

In light of this total opposition to disciplinary solutions, one is hard-pressed to avoid the conclusion that groups espousing these opinions are not seriously concerned with solving disciplinary problems.

Many principals and other administrators believe that the real source of many discipline problems in our schools today is an over-concentration on the subject of student rights without an equal concern for the matter of student responsibility. One of the reasons for this is, no doubt, as stated in the Kettering Task Force Report that, "Rights are a legal requirement; for the violation of rights, the law provides remedies. Responsibilities, on the other hand, are not so clearly spelled out. Rights are stated; responsibilities are tacit." (p. 46). But this difficulty should not be permitted to obscure the necessity of balancing student rights with student responsibilities.

Without going into detail, these at least include responsibility to observe the constitutional rights of other individuals, student, teacher and administrator alike; the responsibility to try to learn, understand, and adhere to reasonable rules and regulations established by the board of education for the welfare and safety of all students; and the responsibility to undertake some kind of commitment to develop his own capacities so that he can take his place as an informed and independent member of adult society. Further details are given in the previously-mentioned Kettering Task Force Report which devoted an entire section to this subject. (pages 63-63).

As a final footnote for future thought, I would go further and suggest that the notion of individual responsibility should be every bit as important to students themselves as is that of student rights. My implication here is not the importance of each individual doing something for society, though that is certainly desirable. I mean rather that, without a sense of personal responsibility no one in a free society can have a sense of personal worth. Most rights, after all, no matter how fundamental, have been conferred upon us by society or are protected by it. Responsibility can only be earned and accepted by the individual. Equal attention to this matter by everyone concerned with American education might cause many of the problems being investigated by the Committee to recede more rapidly than by the search for more technical and expensive solutions.

Thank you.

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February 23, 1976

Mr. Kevin Faley
Assistant Counsel
Senate Subcommittee to
Investigate Juvenile Delinquency
119 D Street, N.E.
Washington, D.C. 20510

Dear Kevin:

Enclosed are two copies of our Preliminary Findings on the surveys conducted by our Research Unit on the subject of suspensions and expulsions. I have also enclosed a copy of the survey instrument itself for your information.

As you will see from the questions, the information we were seeking is of a factual and quantative nature which required considerable effort on the part of those responding. For this reason we think the response rate has been very good, and care is being taken to assure that the responses fairly represent the various categories of schools and communities in the total sample.

In the meantime, however, a stratified sample has been taken, as explained in the report, in order to be able to furnish the Committee with our preliminary findings. While they are based on more limited data than will be available later, we believe that the final data will closely parallel the present results because of the broad representation of states in the current sample. Also a report of a separate survey conducted by some researchers in Indiana has come up with very similar results. I understand that a brief summary of that study is being prepared for publication soon in the Hoosier Schoolmaster, a publication of the state principals' association.

As you will see from the enclosed findings, a very high percentage of principals responding indicates that due process is accorded prior to exclusion of a pupil from school. Another finding of importance, in our opinion, concerns the reasons for exclusion. While many of the causes were non-violent in origin, they were for repeated and willful violation of school rules, and the exclusionary punishment only occurred after warnings and other methods of dealing with misconduct failed. These important factors appeared to be omitted in the well-publicized report of the Children's Defense Fund.

When the final results of our survey have been tabulated, another report of our findings will be prepared, and, of course, sent to you. Meanwhile, I hope that this information will be of use and interest to the Committee.

Sincerely yours,

Ivan B. Gluckman

Ivan B. Gluckman
Association Counsel

IBG:ag
Enclosures

February 10, 1976

Student Suspensions and Expulsions
Preliminary Findings

A Study by the National Association of Secondary School Principals

The Research Department of the National Association of Secondary School Principals prepared and mailed on December 1, 1975, a questionnaire on student suspensions and expulsions to a random sample of 1076 secondary schools in the United States. Data requested was for the 1974-75 school year. Replies have been received from 456 schools as of February 9, 1976.

Using current returns, this preliminary report was developed based upon a stratified sample of high schools (grades 9-12 or 10-12) with populations of between 1,000 and 1,999 students. These high schools represent 24 states, and are located in cities, suburbs, towns, and rural areas. Findings from the sample may be summarized as follows:

Policy Development

Perhaps the most striking aspect of preliminary findings concerns the involvement of students and parents in the development of school policies concerning student conduct. Some 83.3 percent of the schools report that students contribute to the development of school regulations on discipline and 61.9 percent of the schools report that parents are involved in formulating these regulations. In addition, 95.1 percent of the schools inform parents in writing of school regulations concerning discipline.

Procedures and Processes

Schools in this stratified sample evidently utilized due process when invoking student suspensions during the 1974-75 school year. All schools, 100 percent, report that students routinely are told the reasons for the action when they are suspended. Also, 100 percent of the schools provided an opportunity for the student to respond to the charge. Other data include:

- — In 97.6% of the schools the students were given an explanation of the basis for the decision to suspend if they denied the charge.
- — In 92.7% of the schools the students were given an opportunity to appeal the decision.
- — In 100% of the schools parent conferences are used in the disciplinary process in an attempt to avoid excluding students.

— Parent conferences preceded the critical incident causing the exclusion in 57.8% of the cases.

Incidents Causing Exclusion

The majority of students excluded from schools in the stratified sample had previously been advised that the next violation of rules would result in exclusion. The schools report that 66.2 percent of the students excluded during 1974-75 were so forewarned.

Students excluded from school appear often to be repeaters. Some 52 percent of students excluded had previously been excluded for various offenses.

The most frequent reasons for student suspensions are as follows, given by order of response:

Causes	Annual Mean Frequency
1. Attendance problems (truancy, "skipping," repeated tardiness)	81.3
2. Smoking (tobacco)	34.2
3. Non-violent acts disruptive of the educational process (disrespect, defiance, misbehavior, class disruption, cheating, etc.)	26.9
4. Violation of other school rules (school bus, cafeteria, presence in restricted area, etc.)	25.8
5. Assault, fighting, or threat of injury to persons. (students, teachers, or others)	25.4
6. Drugs and alcohol	6.7
7. Vandalism, theft, or other destruction of property	4.5

Length of Exclusion

Students normally are excluded for short periods of time, frequently for the earliest possible return with parents. This approach is used to gain the presence of parents at school for a conference. Expulsions and long suspensions are invoked relatively infrequently.

Length	Annual Mean Frequency
Earliest possible return with parents	59.6
Two-three days	57.6
One day	39.5
Four-ten days	16.7
Expulsions (up to one year)	3.3

Discipline Preceding Exclusion

The reporting schools indicate that various forms of discipline normally precede suspensions and expulsions. These include:

Types	% of Schools Employing Technique
Conferences	100
Letters home	86
Referrals	73
Restrictions	48
Detention	46
In-school suspension	34
Other	34

Causes of Misbehavior

Schools reported these factors as most responsible for serious student misbehavior. They are listed in rank order:

1. Lack of parental control, guidance, supervision and discipline
2. Lack of motivation, goals, and interest by students. Loss of self-esteem and caring. Apathy.
3. Working parents, single family homes, loss of family unity, breakdown of home.
4. Drugs, alcohol and cigarettes
5. Judicial leniency and ineffectiveness
6. Permissive society. Changing values and loss of "standards"
7. Lack of respect for institutions and property
8. Peer pressure and related attitudes

Summary

The preliminary data indicate these tentative conclusions concerning student exclusions:

1. Parents and students frequently are involved in the development of policies concerning student discipline.
2. Schools generally employ rudimentary principles of due process when excluding students.
3. Conferences with students and parents normally precede the incident which causes students to be excluded.

4. The repeated violation of school rules appears to be a major cause of student exclusions.
5. Problems with student attendance are a major cause of student exclusions.
6. Student exclusions seldom exceed three days, and most frequently are for earliest possible return with parents.

Scott D. Thomson

Associate Secretary for Research
NASSP

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The Reasonable Exercise of Authority

by
Robert L. Ackerly

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Foreword

EVEN in the most civilized of organized societies, disputes are bound to arise. When they do, if that society is to remain orderly, some agent or agency must be responsible for a just settlement of the disagreement. Our courts have been assigned that role in America's governmental structure.

It is incumbent on all school and collegiate administrators to have more than a passing knowledge of the constitutional and statutory framework in which these institutions operate. Recognizing that the courts adapt to changing conditions, it is imperative that these same administrators be kept up-to-date on pertinent decisions from all courts up to and including the U.S. Supreme Court. It is the purpose of this booklet to highlight cases involving both state and federal jurisdictions. These deal with students and the associated issues of behavior codes, appearance, freedom of expression, right of petition, and similarly sensitive areas in these increasingly turbulent times.

The major contributor to this document was Robert L. Ackerly, chief counsel for the National Association of Secondary School Principals, and we are indebted to him for clearly delineating the legal issues and principles. The Executive Secretary also gratefully acknowledges the assistance of staff associates, especially Charles Hilston and Benjamin Warfield.

Owen B. Kiernan
Executive Secretary

A The Concept of Due Process

In recent years, militant student protests have taken place in university settings throughout the world. The United States has experienced such disruption to the extent that national attention has been focused on the various ways students have expressed their dissent in colleges and universities all over the country. All student demonstrations of dissent—be they lengthy sit-ins, teach-ins, boycotts, walkouts, walk-ins, or full-scale riots—have concentrated attention on the prerogatives of students, especially their right to be heard. As a result of these active demands and through several large and extremely effective student organizations, students on the college and university level have begun to wield a significant political power.

Now manifestations of student unrest are widespread in senior high schools and to a lesser degree in junior high schools. It is not surprising that the symptoms of radical change have infected the secondary schools, for these younger students are fully aware of impressive protective gains made by school teachers and university professors through their large and influential professional organizations and lobbies, and they are equally aware of the influence college students have exercised through similar organizational activity.

Because the principal of a secondary school is a highly visible and influential figure in the administrative structure of the school, he characteristically finds himself at the point where the often conflicting wishes and ambitions of students, teachers, and parents collide with overall school administration policy. It is the principal above all others who must undertake to make these divergent interests compatible so that the school can be what it is intended to be, a place where learning can take place. But the efforts of school officials to cope with real or anticipated disruptions have resulted in a considerable number of court cases, some settled and others pending, in which the authority of the school (in effect, the principal) to control student conduct is challenged. From these court proceedings are coming more explicit statements than were heretofore available regarding the constitutional limits of the school's powers over the student as an individual.

Recent court decisions have tended in the direction of restraining the school from exercising many of the forms of control over student conduct which it and the community formerly accepted as normal and proper. But whatever the reasons for these legal actions may be and whatever their outcomes are, the impact of court decisions relating to the control of student behavior is felt more immediately and heavily by the building principal than by anyone else in the administrative or teaching hierarchy.

We come, then, to the commanding reason for preparing this document—to provide principals and other administrators with information and guidance on their duties and powers as determined by constitutional and statutory interpretation in the hope that such information will help them stay out of the courts. More specifically, we propose to consider the basic and general legal principles of *due process* and to suggest acceptable approaches to the necessary and *reasonable exercise of authority* by school officials.

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BECAUSE due process will be mentioned explicitly or implicitly in much that we shall have to say from here on, a few comments about it are in order.

It is due process that assures the preservation of private rights against government encroachment. So a principal, representing authority in the school, must be careful to ensure due process to dissidents just as he himself expects to be protected from arbitrary tactics on the part of the police or the law courts, representing authority in the larger society.

Every discussion of the limits of authority or the exercise of personal rights and privileges has inherent in it the problem of procedure: procedure in bringing the subject up for discussion; procedure in airing the views of the people involved, whether they prove to be similar or conflicting; and procedure in reaching a decision as to the action to be taken. The underlying concept, understood by almost every American, is one of fairness, a *fair* hearing, a *fair* trial, a *fair* judgment. Every citizen needs to know that the government is not permitted to be arbitrary or repressive, and that he will have a fair opportunity to have his side of a controversy openly considered. Hence, every citizen is guaranteed the constitutional protection of a fair trial. This is the minimum for due process of law. Due process may be defined as a course of legal proceedings in accordance with the rules and principles established for the enforcement and protection of individual rights.

The concept applies to any dispute between two parties. As a legal concept, enforceable in the courts, it derives its validity from the presence of a court of competent jurisdiction, which has a duty to see that the individual's rights are protected. This means that a man must have personal knowledge of any charges against him that endanger his freedom, his status, or his property. He must have an opportunity to be heard and to controvert the evidence or the witnesses against him. He must also have an opportunity to show that the rules or laws being applied to him are demonstrably unreasonable, arbitrary, capricious, discriminatory, or too vague to be understood, and, therefore, unenforceable. These considerations are as necessary to administrative proceedings in schools as they are to more formal trials in courts of law, although they may be discussed and handled in an informal way in most administrative proceedings. Many decisions correct in substance have been overturned on appeal to higher authority simply on the ground that due process or fairness was not observed.

Before going on, we must emphasize that only statements of general principles are possible here, and those for the most part will be based on decisions of federal courts. The variations among the myriad of state and local laws and decisions of state courts are too extensive to be treated adequately here; detailed explanations of these widely varying statutory requirements must be sought in other sources. But an additional reason for relating the following analysis principally to the judicial opinion of federal courts is that it is mainly the U.S. Supreme Court that is making clear by its decisions the obligation school officials have to afford the protection of the Bill of Rights and of the Fourteenth Amendment to all with whom they deal, regardless of age. To quote the now famous Gault decision, "Whatever may be their precise impact, neither the Fourteenth Amendment nor the Bill of Rights is for adults alone." [1]

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[1] In re Gault, 387, U.S. 1, 13 (1967).

We acknowledge that the facts and comments presented here are neither unique nor new, for the essence of this paper is a distillation of writings on the subject. But legal reports and commentaries are not always close at hand for the principal, and, further, he rarely is practiced in interpreting what he hears or reads about court actions or opinions.

In the light of these considerations, this digest may be useful and supportive. We hope it will be of assistance in helping to minimize disruptions of the educational process, in actually enhancing and rationalizing administrative control, and, in the event of judicial challenge, enabling the principal to demonstrate the reasonableness of his actions.

ALTHOUGH courts—particularly state courts—historically have been reluctant to interfere with the principal's control of students in secondary schools, they have interceded often enough to persuade us that we should not base our generalizations only on judicial decisions already rendered. In our increasingly permissive society, judicial reluctance to interfere with the principal's authority is lessening. The larger and more impersonal our schools become, the less often courts see the *in loco parentis* concept as a barrier to applying legal principles to the administration-student-faculty relationship. And since there is an irreversible trend in our society to subject the exercise of power and authority to legal norms, there is every reason to believe that the courts have only begun to apply the body of law to secondary school student demonstrations and related activities.

This leads us, then, to what we consider a first principle in administrative conduct: *the principal must recognize the difference between civil disobedience and acts of violence.* Civil disobedience, limited by definition to non-violent activity, is usually within the control of the administration. Acts of violence may call for outside assistance since principals and teachers are not expected to be police officers.

Freedom of speech and expression have been protected by the courts for secondary school students.[2] This right is not unrestricted (Justice Holmes provided the classic example: yelling "fire" in a crowded theatre), but the limitations must be based on reason and need. The courts have affirmed that disruptions of the school program cannot be permitted ("no interference with work" in the classroom and "no disorder"), yet school administrators know that school control without outside force is most important and that calling the police often makes matters worse.

The courts have said that giving prior notice of changes in rules of conduct and in penalties for infractions is some evidence of a school's sensitivity to individual freedom. But certainly, merely meeting such a "prior notice" criterion is not sufficient. School boards, central office administrators, and building principals can do much to minimize, or perhaps avert, confrontations with students and to stay out of court by ensuring student participation—to the maximum extent feasible—in the development of rules of conduct and of related disciplinary procedures. A substantial body of evidence is accumulating that proves not only that such participation is feasible, but also that the products of such collaboration can be judged reasonable and effective by both adult and adolescent criteria.

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[2] *Tinker v. Des Moines School District,* 393 U.S. 503 (1969).

B Positions on Ten Issues

We are now ready to recommend what we consider defensible positions or guides to action on ten issues that, sooner or later, may arise in every secondary school community. We believe, further, that these guides will be useful not only to principals but also to students as they participate in decision-making activities in their schools.

Freedom of Expression

The basic position is: *Freedom of expression cannot legally be restricted unless its exercise interferes with the orderly conduct of classes and school work.* Students may freely express their points of view provided they do not seek to coerce others to join in their mode of expression and provided also that they do not otherwise intrude upon the rights of others during school hours. There can be no restriction on the wearing of buttons or other insignia expressing a point of view, but the rights of those not sharing that opinion must be equally protected. Wearing provocative buttons or distributing controversial literature during regular school hours cannot be permitted to disrupt the work of the school. The following principles should be observed:

1. Buttons and other insignia may be worn to express a point of view unless doing so results in a direct interference with the school program.[3]
2. Buttons or other insignia may not be worn or displayed if the message is intended to mock, ridicule, or otherwise deliberately demean or provoke others because of race, religion, national origin, or individual views.
3. No student may pass out buttons or other literature during regular school hours either in class or in the halls between classes.
4. Students distributing buttons or other literature before or after regular school hours will be responsible for removing litter which may result from their activities.
5. Failure to observe these rules can result in confiscation of the material, curtailment of the privilege, or, when necessary, disciplinary action, including suspension.

Free expression has always been carefully guarded by the courts. Restrictions on the wearing of buttons and arm bands and the distribution of literature have been upheld *only where the practice materially and substantially interfered with school discipline.* Requiring prior approval of a specific button or piece of literature is probably impractical and, in all likelihood, would be ruled too restrictive. In severe cases, however, where a concerted effort is being made to harass the school administration, the right to wear buttons and distribute literature on school grounds may be suspended *in toto* if class routine and the orderly changing of classes is disrupted. This must be done on a case-by-case basis, and limitations can be imposed only to the extent necessary to maintain reasonably good order and discipline, prevent fights, or protect those who do not wish to join in wearing the button or other insignia or to receive the literature.

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[3] *Tinker v. Des Moines School District*, 393 U.S. 503 (1969).

Personal Appearance

The courts have clearly warned that freedom of speech or expression is essential to the preservation of democracy and that this right can be exercised in ways other than talking or writing. From this generalization, it follows that *there should be no restriction on a student's hair style or his manner of dressing unless these present a "clear and present" danger to the student's health and safety, cause an interference with work, or create classroom or school disorder.*

A reasonable regulation concerning dress, hair style, and cleanliness will stress that such regulation is vital not only to the individual student but also to those with whom he shares a classroom or locker. Students should not wear clothing or hair styles that can be hazardous to them in their school activities such as shop, lab work, physical education, and art. Grooming and dress which prevent the student from doing his best work because of blocked vision or restricted movement should be discouraged as should be dress styles that create, or are likely to create, a disruption of classroom order. Articles of clothing that cause excessive maintenance problems—for example, cleats on boots, shoes that scratch floors, and trousers with metal rivets that scratch furniture—can be ruled unacceptable.

We strongly recommend that all actions relating to school dress codes be taken only after full participation in the decision-making process by students and other concerned parties.

Codes of Behavior

The authority of school officials to comprehensively prescribe and control conduct in the schools has been affirmed repeatedly by the courts. The rules, however, must be concerned with speech or actions which disrupt the work of the school or the rights of other students. Therefore, rules regulating behavior in the school should reflect the school authorities' obligation to respect the constitutional rights of students and to require a mature sense of responsibility on the part of students toward others and toward the school. It should be noted in this connection that many conflicts between school authorities and students have been the consequence of students' breaking school rules which, students allege, limit their freedom of expression.

Rules requiring quiet in the library and in study halls are held to be reasonable. With respect to smoking by students in school buildings, the courts have held that a no-smoking rule is reasonable and fair. This is not surprising since the hazards to health caused by smoking are thoroughly documented by the Surgeon General of the United States, and the "clear and present" danger to the safety of the school building and its occupants if smoking is permitted is evident.

Other restrictions on student behavior may be justified if they are required to protect students, especially those whose individual rights are threatened because of some form of minority status—race, religion, individual beliefs, or other distinguishing characteristics.

To generalize, behavior controls should be flexible and take into account local conditions.

Student Property

The general rule is that a *student's locker and desk should not be opened for inspection except when approved by the principal because he has reasonable cause to believe that prohibited articles are stored therein. If inspection takes place the student should be present.* Although this appears to be an altogether reasonable position to take regarding either search or seizure of student property, we strongly recommend that principals and school boards give further serious study to this constitutional issue, with the help of counsel, before setting firm policies for their schools. (It is appropriate here to remind readers of the need for "prior notice" to the student body and faculty when a policy has been agreed on or has been amended by school authorities.)

The conditions under which the school can or must permit the police to search students' lockers are still not clearly spelled out, but it is expected that the U.S. Supreme Court will soon rule on the question of whether or not school authorities have the right to permit the police to search a student's locker without a search warrant. Many lawyers believe that, should this right to search without a warrant be denied the police, it might be denied school authorities as well.

Many legal specialists, it is true, are of the opinion that the strictures in the Fourth Amendment against search and seizure probably are not applicable to a student's person or to his desk or locker. Nonetheless, we caution principals against any such searching except under extreme circumstances, unless permission to do so has been freely given by the student, the student is present, and other competent witnesses are at hand.

Where drugs or weapons are suspected, the police should be contacted and the search conducted in keeping with accepted police procedures and with the principal or a designated faculty member present. A complete report on such an incident should be prepared promptly, checked with witnesses and the student or students involved, and a copy filed with the superintendent of schools and the board of education.

Extracurricular Activities

In every American secondary school, students are encouraged to form clubs and other groups which will enrich and extend their educational experiences. *Most schools have formalized and published procedures governing the creation and operation of such organizations, but we recom-*

mend that these procedures be reviewed to make certain that they include regulations to the effect that:

1. Before it can be recognized as a school group and be given use of school time and facilities, the club must be approved, in accordance with established criteria, by the principal or some other designated school official.
2. Membership must be open to *all* students except where the purpose of the club requires qualifications (a French club, for instance).
3. The club must have a faculty sponsor or adviser selected and approved according to agreed-upon procedures, and club activities will not be permitted until a faculty sponsor has been selected.
4. Clearly improper purposes and activities are not permitted and if persisted in will be cause for withdrawing official approval of the group.
5. School groups, either continuing or *ad hoc*, are not permitted to use the school name in participating in public demonstrations or other activities outside the school unless prior permission has been granted by the designated school official.

Although a principal may rightly feel little concern over the activities of a science club or a glee club but worry a great deal about activities built around more controversial purposes or activities, he ought in all cases to apply the rule of clear and present danger before taking or permitting drastic action in consequence of a club's program. The interests of the group must be weighed against the good of the total student body and the community. Interference with school discipline, if demonstrated or can reasonably be anticipated, is, of course, an acceptable reason for limiting an organization's activities. When it appears necessary to ban a previously approved organization for failure to abide by the terms under which it was approved or because its activities present a clear threat to health or safety of members of the school, the banning should be done, if at all, only after the group has had a full hearing on its right to continue to exist.

We have pointed out previously that our courts have ruled that there are innumerable forms for expressing oneself, and that basic to the democratic concept of government is the right to free speech. The right of students to choose to express their opinions, desires, or ideas collectively in and through their organizations and to disseminate their ideas is protected by the Constitution.

Discipline

We recommend again that rules governing in-school discipline be established only after full participation of students and other concerned parties. Rules should be published from time to time and subjected to review at least annually. Minor infractions of school rules should be handled informally by faculty members. Serious breaches of discipline leading to possible suspension or some other major penalty should be subject to a hearing, but suspension by the principal, pending the hearing, may be enforced where necessary.

Serious breaches of discipline or an accumulation of minor breaches must be handled with due process. Because it is now well established that students enjoy the protection of the Fourteenth Amendment, a number of procedural matters must be considered. Rules governing hearings should be formulated by the faculty and the student government representatives and should be published.

A notice of the time and place of the hearing and of the exact nature of the charge must be given to the student a reasonable time in advance. The hearing might be held by a panel. For example, two students and two faculty members could be selected by lot, and a fifth member be appointed by the principal. Student panelists selected by the school administration are not usually respected by the student body. Selecting a panel by lot approaches the jury system and should obviate charges of discrimination. In all cases the accused must be allowed to be represented by someone of his own choosing. The hearing may be informal, though it need not be open; and the accused must be allowed to cross-examine witnesses and to present witnesses in his own behalf. The student's parents or guardian may attend. The panel should be instructed to make findings of fact and submit these together with its recommendations to the principal promptly after the close of the hearing. The principal and, subsequently, the board of education should be guided by the report and the practical recommendations of the panel. Also, if the accused believes he was not accorded a fair hearing, he must be allowed to appeal on this ground; any other plan of action may result in school authorities being brought into court.

The principal must, in the final analysis, exercise the authority and assume responsibility for the proper application of all rules. The rule of law, not the rule of personality, should be his guide. Tolerance of dissent and non-violent protest may avoid violence and serious disruption.

Student Government

"Student government" as a title is now out of favor among some educators, but it is a convenient phrase to use in the present context to indicate a student council, a student senate, or some other group selected to participate in the administration of a school.

The forms and functions of a student government will, of course, vary with local conditions, but *in all cases the scope of its powers, privileges, and responsibilities should be a matter of public record.* This will mean, among other things, a published charter or constitution. Such a charter or constitution ought to be the result of joint administration-faculty-student discussions, and should be a document which all groups (though not necessarily all individuals) find acceptable.

Eligibility rules for candidates and rules for conducting campaigns and elections should be published, widely announced, and uniformly enforced. The activities or programs of the student government *within the framework of its charter* should not be subject to veto by the principal or the faculty. Qualifications for candidates should be as broad as local circumstances will permit.

The widest possible participation in student government should be encouraged, and any real or anticipated disagreement with the administration should not hamper its activities. Yet, published rules should be observed, and the student government should not be permitted to act outside the scope of its authority as defined in its charter or constitution.

Although it may be viewed as gratuitous advice, we do think it important to remind school adults who are personally involved in the activities of a student government or who are influenced by its actions of their obligation also to respect that charter and to resist the temptation to take arbitrary and unilateral action whenever displeased by some action of that student government.

The Student Press

School-sponsored publications should be free from policy restrictions outside of the normal rules for responsible journalism. These publications should be as free as other newspapers in the community to report the news and to editorialize.

Students who are not on the newspaper staff should also have access to its pages. Conditions governing such access should be established and be available in writing, and material submitted should be subject to evaluation by the editorial board and, if need be, a faculty review board. These same general principles apply to access to other school publications.

Non-school-sponsored papers and other publications, including an "underground press," should not be prohibited, assuming that they, too, observe the normal rules for responsible journalism. However, distribution may be restricted to before and after school hours, and restrictions may also be placed on distribution points.

The Right to Petition

Students should be allowed to present petitions to the administration at any time. However, it may be reasonable to limit the collecting of signatures on petitions to before and after school hours. No student should ever be subjected to disciplinary measures of any nature for signing a petition addressed to the administration—assuming that the petition is free of obscenities, libelous statements, personal attack, and is within the bounds of reasonable conduct.

The right to petition is guaranteed by the Constitution and must always be permitted. Students should be assured that there will be no recrimination or retribution of any kind for signing a petition.

Drugs

The possession or use of certain drugs is a serious violation of law and punishable by fine and/or imprisonment. A student is required to obey the same laws on school grounds as off. There is a distorted notion gaining widespread acceptance that a school or college is a sanctuary. These institutions are a part of society and are subject to the same laws as the rest of society. Accordingly, the school authorities have the same responsibility as every other citizen to report violations of law. *Students possessing or using on school premises drugs prohibited by law should be reported promptly to the appropriate law enforcement officials.* School discipline should be imposed independent of court action. Students may, as determined by local ordinance or school board ruling, be subject to immediate suspension or expulsion for possession or use of illegal drugs, but the suspension or expulsion must allow for hearing and review in the same manner as suspension or expulsion for any other reason.

The police power of the state cannot be diminished or compromised by school officials for a student. The principal must, of course, use discretion and judgment in a situation which may involve a violation of federal, state, or local law. Where such activity is suspected, we advise that the student not be interviewed or questioned in any manner. Rather, the principal should communicate all available information promptly to the police and offer full cooperation of the administration and faculty to a police investigation.

Whenever a principal has reason to know or suspect that a student is engaged in criminal actions—for example, a violation of the drug control laws—he would be well advised to protect both himself and the school by taking action with deliberate caution: not the caution of refusing to act, but the care of having a reliable witness to each step he takes, keeping an accurate record of what he says and does, and reporting every action to those who have a right to know, such as the superintendent and the school board, colleagues in the school, and especially parents. Violations of law should always be reported to the community's law enforcement agents; if the district has no regulation requiring principals to do so, it would be sensible to get one adopted.

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C Landmark Cases Annotated

Thus far we have discussed the new emphasis in secondary education on freedom of speech, freedom of expression, freedom of association, and due process of law, especially as they affect the authority and prerogatives of the building administrator. As we indicated earlier, our statements and advice are based upon what the courts are saying through the decisions which they render almost daily.

Because knowledge of court decisions is particularly important to principals as they continue to struggle with the many social and educational problems confronting the young American citizens they serve, it will be helpful to cite some actual cases which are particularly important or of a "landmark" nature. We conclude this discussion of the reasonable exercise of authority, therefore, by presenting annotations on a few such court cases.

Perhaps the turning point in the jurisprudence relating to the student's status in the secondary school is the decision of the United States Supreme Court in *West Virginia State Board of Education v. Barnette,* 319 U.S. 624 (1943). A student who refused to participate in saluting the flag and reciting the Pledge of Allegiance was expelled from school. The Court concluded that a rule compelling salute to the flag and recitation of the Pledge transcends constitutional limitations on the power of local authorities, and is precluded by the First Amendment to the Constitution. In reaching this decision, the Court struggled with and finally overruled its decision in *Minersville School District v. Gobitis,* 310 U.S. 586 (1940), where the Court approved a state regulation requiring that pupils in public schools on pain of expulsion participate in a daily ceremony of saluting the flag and reciting the Pledge of Allegiance to it. Two Justices who voted with the majority in *Gobitis* reversed their position in *Barnette,* and explained their change:

> Words uttered under coercion are proof of loyalty to nothing but self-interest. Love of country must spring from willing hearts and free minds, inspired by a fair administration of wise laws enacted by the people's elected representatives within the bounds of express constitutional prohibitions. These laws must, to be consistent with the First Amendment, permit the widest toleration of conflicting viewpoints consistent with a society of free men. (319 U.S. at 644)

The classic statement, which is still frequently quoted by the courts as the basis for judging student-school relations, appears on page 637 of the *Barnette* decision:

> The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Board of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at

> its source and teach youth to discount important principles of our government as mere platitudes.
>
> Such Boards are numerous and their territorial jurisdiction often small. But small and local authority may feel less sense of responsibility to the Constitution, and agencies of publicity may be less vigilant in calling it to account. (319 U.S. at 637-8)

The law, as developed by court decisions, rarely moves in a straight line. Early decisions tended to affirm broad control of students in the school authorities. Expulsion of an 18-year-old girl who insisted on wearing talcum powder on her face was upheld in *Pugsley v. Sellmeyer,* 158 Ark. 247, 250 S.W. 538 (1923), where the school had adopted a rule forbidding students to wear clothing tending toward immodesty or to use face paint or cosmetics. A Massachusetts pupil was expelled because of head lice and this action was found to be within the powers of the school authorities in *Carr v. Dighton,* 229 Mass. 304, 118 N.E. 525 (1918). Exclusion of a student who insisted upon wearing metal heel plates on his shoes in violation of a regulation was approved in *Stromberg v. French,* 60 N. Dak. 750, 236 N.W. 477 (1931).

Subsequent to the *Barnette* decision, court decisions have more carefully considered the application of constitutional rights to students and have examined cases more carefully in these terms. The results, of course, have not been consistent. A school regulation forbidding extreme haircuts was held to be valid and within the school board's jurisdiction in *Leonard v. School Committee in Attleboro,* 349 Mass. 704, 212 N.E.2d 468 (1965), though the court did not discuss the application of the First Amendment nor make any reference to the Barnette decision in the Suprème Court.*

Similarly, a federal court in New Orleans upheld a school regulation which required hair to be clean and neat, and proscribed exceptionally long shaggy hair and/or exaggerated sideburns. [*Davis v. Firment*, 269 F. Supp. 524 (E.D. La. 1967)] A California case held, to the contrary, that hair styles are a form of self-expression and protected under the First Amendment. The court explained the basis for its ruling.

> The limits within which regulations can be made by the school are that there be some reasonable connection to school matters, deportment, discipline, etc., or to the health and safety of the students. . . . The Court has too high a regard for the school system . . . to think that they are aiming at uniformity or blind conformity as a means of achieving their stated goal in educating for responsible citizenship. . . . [If there are to be some regulations, they] *must reasonably pertain to the health and safety of the students or to the orderly conduct of school business.* [Emphasis supplied.] In this regard, consideration should be given to what is really health and safety . . . and what is merely personal preference. Certainly, the school would be the first to concede that in a society

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* Judge Wyzanski of the United States District Court in Boston in an as yet unpublished decision rendered on September 23, 1969, directed the immediate reinstatement of a Marlborough, Massachusetts, High School student suspended for wearing his hair over his ears. (*Richards v. Thurston*, U.S. District Court for the District of Massachusetts, C.A. No. 69-993-W) For a further discussion of the issue of extreme haircuts see, "A Legal Memorandum Concerning the Regulation of Student Hair Styles," NASSP, Nov. 1, 1969.

> as advanced as that in which we live there is room for many personal preferences and great care should be exercised insuring that what are mere personal preferences of one are not forced upon another for mere convenience since absolute uniformity among our citizens should be our last desire. [*Myers v. Arcata Union High School District* (Super. Ct. Cal. 1966)]

In March 1966, the New York State Commissioner of Education ruled that a school board could not forbid a girl student to wear slacks to school where the garments were not indecent or untidy. A student editor was denied readmission to a state university in Alabama because he published, as editor-in-chief of the school newspaper, an editorial supporting the president of the university who was under attack by members of the legislature. The federal court directed the university to admit him to residence in the school on the ground that his writings were protected under the First Amendment to the Constitution. [*Dickey v. Alabama State Board of Education* 273 F. Supp. 613 (M.D. Ala. 1967)]

Two cases decided on the same day by the United States Court of Appeals for the Fifth Circuit permit an analysis of the guidelines for rules governing conduct of students in secondary schools. In *Burnside v. Byars,* 363 F.2d 744 (5th Cir. 1966) the court held that wearing buttons which contain the words "One Man One Vote" and "SNCC" and which did not appear to hamper the school from carrying out its regularly scheduled activities was protected as a right of free expression under the First Amendment.

In the second case, *Blackwell v. Issaquena County Board of Education,* 363 F.2d 749 (5th Cir. 1966), the same court found that a principal's decision to forbid the wearing of buttons which depicted a black and white hand joined together and the word "SNCC" was reasonable because the wearing of the buttons created an unusual degree of commotion, boisterous conduct, and undermining of school authority. Thus, a rule prohibiting the wearing of buttons may not be enforced unless the wearing of the button interferes with the maintenance of order and discipline within the school. Some of the court's reasoning in the *Blackwell* case may be instructive:

> It is always within the province of school authorities to provide by regulation the prohibition and punishment of acts calculated to undermine the school routine. *This is not only proper in our opinion but is necessary.* [Emphasis supplied.]
>
> Cases of this nature, which involve regulations limiting freedom of expression and the communication of an idea which are protected by the First Amendment, present serious constitutional questions. A valuable constitutional right is involved and decisions must be made on a case by case basis, keeping in mind always the fundamental constitutional rights of those being affected. Courts are required to "weigh the circumstances" and "appraise the substantiality of the reasons advanced" which are asserted to have given rise to the regulations in the first instance. Thornhill v. State of Alabama, 310 U.S. 88, 60 S.Ct. 736, 84 L.Ed. 1093 (1940). The constitutional guarantee of freedom of speech "does not confer an absolute right to speak" and the law recognizes that there can be an abuse of such freedom. The Constitution does not confer "unrestricted and unbridled license giving immunity for every possible use of language and preventing the punishment of those who abuse this freedom." Whitney v. People of State of California, 274 U.S.

> 357, 47 S.Ct. 641, 71 L.Ed. 1095 (1927). The interests which the regulation seeks to protect must be fundamental and substantial if there is to be a restriction of speech. In Dennis v. United States, 341 U.S. 494, 71 S.Ct. 857, 95 L.Ed. 1137 (1951), the Supreme Court approved the following statement of the rule by Chief Judge Learned Hand:
>
> > "In each case [courts] must ask whether the gravity of the 'evil', discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger."
>
> In West Virginia State Board of Educ. v. Barnette, 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1628 (1943), involving a school board regulation requiring a "salute to the flag" and a pledge of allegiance, the Court was careful to note that the refusal of the students to participate in the ceremony did not interfere with or deny rights of others to do so and the behavior involved was "peaceable and orderly." (363 F.2nd at 753-4)

The most recent pronouncement of the Supreme Court attempts to describe the principle that will be applied by the courts in evaluating the reasonableness of school regulations relating to the conduct and decorum of the students. In *Tinker v. Des Moines Independent Community School Districts,* 393 U.S. 503 (1969), three pupils in the public schools in Des Moines, Iowa, wore black armbands to school to protest the government's policy in Viet Nam. The principals of the Des Moines schools met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. The District Court followed the *Blackwell* decision rather than the *Burnside* decision, and upheld the validity of the principals' policy.

The Eighth Circuit Court of Appeals divided equally, thus leaving the District Court's decision affirmed. The Supreme Court, in an opinion by Justice Fortas, laid down several principles which will undoubtedly be followed carefully by District Courts in the future. Justice Fortas made six points summarized here.

1. The wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely akin to free speech, which is entitled to comprehensive protection under the First Amendment.
2. While the Court has repeatedly affirmed the need for comprehensive authority of the states and of school officials to prescribe and control conduct in the schools, the problem lies in the area where students in the exercise of First Amendment rights collide with the rules of the school authorities.
3. This case does not concern speech or action that intrudes upon or disrupts the work of the schools or the rights of other students. There were no threats or acts of violence on the school premises, although outside the classrooms a few students made hostile remarks to the children wearing armbands.
4. Any departure from absolute regimentation in school may cause trouble, but undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any deviation from the majority's opinion may inspire fear or cause a disturbance, but our Constitution says we must take this risk.
5. To justify prohibition of a particular expression of opinion in the schools there must be something more than a mere desire to avoid the discomfort and un-

pleasantness that accompanies an unpopular viewpoint. Where there is no finding or showing that engaging in the forbidden conduct would materially and substantially interfere with the requirements of appropriate discipline in the operation of the school, the prohibition cannot be sustained.

6. The school authorities in Des Moines did not purport to prohibit the wearing of all symbols of political or controversial significance but limited their policies to the wearing of black armbands to exhibit opposition to our country's involvement in Viet Nam.

Justice Fortas thus recognized that while school officials must have broad discretion in establishing and maintaining order and discipline, school officials do not possess absolute authority over students. He repeatedly stated that a student's freedom of speech can be curbed only when the student's conduct materially and substantially interferes with the maintenance of appropriate discipline. Conduct by students which materially disrupts classwork or involves substantial disorder or invasion of the rights of others is not immunized by the constitutional guarantee of freedom of speech. He theorized that a regulation forbidding any discussion of the Viet Nam conflict would violate the constitutional rights of students, but qualified this by pointing out that this presumption could be rebutted only by a showing that the students' activities would materially or substantially disrupt the work and discipline of the school. Since in the *Tinker* case no disturbances or disorders occurred, and since there were no facts to indicate a reasonable apprehension of disruption of school activities, the Constitution does not permit denial of this type of student expression.

A case-by-case application of these principles will be an extremely difficult, time-consuming, and awkward path to follow. This statement of student rights and responsibilities is intended to assist principals in the evaluation of the guidelines available from more recent court decisions. To some extent, it includes principles which have not been ruled on precisely by the courts, but there should be no need for repeated litigation in the development of administration-principal-student relationships

About the Author

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School Vandalism—Causes and Cures

Stanley L. Clement

Vandalism is only part of the larger society's ills, says this writer. The solution will depend on how effectively the school can involve students and the whole community in combatting it.

How many new programs, additional personnel, and teaching resources could be funded with the hundreds of thousands of dollars spent each year on school vandalism? An Associated Press report a few years ago estimated an annual national outlay of $200 million spent on school vandalism—and vandalism has increased steadily since. To have an expanding school budget stretched still further for this reason is intolerable to school people and taxpayers alike.

Who Are the Real Losers?

Aside from the financial outlay, however, we must consider the cynical attitudes of the young people who grow up where vandalism is a common occurrence. The problem involves much more than merely the cost and inconvenience of repair and replacement of material goods. The bigger problem is what happens to those who participate. The first dare may lead to a bigger one; and sooner or later a young person gets caught, leaving him with a police record and possibly even a prison term.

The kids are the real losers from vandalism. What motivates those who pilfer and plunder? Maybe the problem has its roots in the boredom of school. Vandalism seems to be higher where student involvement in the operation of the school is lower. Maybe it is the desire to attract attention or to achieve peer status. Maybe it is a revolt against authority with the desire to get even. This is especially true of those who drop out of school or are disciplined. Often the problem involves

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nonstudents or gangs from other communities roaming from school to school at night, picking a particular school for that evening's hit.

No solution to this problem can be imposed from above. It must be the result of wide involvement not only of school administrators but also of teachers, students, and the community. The whole school must become involved.

Suggestions might be divided into two categories: 1. Approaches that are apart from the regular school program, and 2. Approaches integrated directly into the school curriculum and activities where they involve people and attitudes.

The former includes:

- Avoiding keeping money in desks or easily accessible places—with so many students around some will know about it. As little money as possible should go through as few hands as possible and be promptly turned over to the school treasurer.
- Not allowing money to accumulate in large quantities in the school vault. It should be banked regularly—even daily.
- Keeping expensive equipment in the vault or secure cabinets or closets. If small safes are used, even they should be anchored firmly to the floor.
- Stenciling or engraving such equipment with the school name and keeping accurate inventories.
- Promptly erasing marks that appear on desks, walls, and other places. One set of marks attracts another. Maybe a graffiti board or panel could be used.
- Repairing broken windows or equipment as soon as possible. Allowing damage to remain visible makes it a further target for another stone or twist.
- Carefully charting and supervising all school activities with emphasis on student acceptance of responsibility. This is especially true of those occurring in out-of-school time.
- Blacktopping parking lots means fewer stones to throw. Lighting should be used, along with spotlights on buildings. While lights may attract attention and be targets themselves, they could be protected with screening and certainly would make suspicious activity more visible. In some particularly vulnerable areas electronic fences might be judiciously used.
- Equipping doors with locks that are difficult to force and replacing ordinary window glass with non-breakable clear plastic and again using screening in some areas. The extra cost could soon pay for itself. Large expanses of windows facing isolated areas should be avoided if possible.

- Eliminating climbable appendages on buildings.
- Employing night watchmen or having custodians on duty around the clock with irregular time patterns for checking. An occupied building is not as susceptible as an empty one.
- Leaving lights on in the buildings. Even in the energy shortage, it takes comparatively little lighting to present an "occupied" appearance.
- Installing alarm systems that are tied in the central police station. Intercoms could be left often and electronic listening devices, photoelectric cells, movement sensors, and cameras could be used. Signs should be prominently displayed indicating that the building is electronically protected. Even guard dogs and phosphorescent dust have been used in some cases.
- Having police patrols cruise on an irregular schedule.
- Having adequate insurance for buildings and equipment.
- Encouraging neighbors to report suspicious activity around buildings. Neighborhood vandalism prevention committees could be formed for each school. Care should be taken against giving the impression that "we cannot do it" but rather that it is a cooperative team project. In some communities families have been provided with a trailer and live free on the school site.

Positive Approach Involves People

While the above suggestions are preventative, they are negative and after-the-fact. The positive approach is far more difficult because it involves people and feelings. In this approach emphasis should be on:

- A curriculum continually evaluated and revised to meet student needs.
- Good teaching involving a variety of the most appropriate procedures and materials. Interesting and satisfying presentations produce happy pupils.
- Work experience where pupils not only learn but earn.
- Appropriate extra-class activity to build individual interest and school spirit.
- Integration of the vandalism problem into regular classes and cultivation by the teacher of a respect for classroom materials and furnishings.
- Stress on parent responsibility laws. Although the parents involved are often those with little money.
- Help from community civic groups—PTA, service clubs, League of Women Voters, for example. The local newspaper could be a

medium for exchange of ideas and provide regular reports on the program—the expense involved and what is being done.

- Emphasis on financial loss—effect on the tax rate, ways the money could have been spent to better advantage.
- Encouragement of community use of the building and attendant assumption of responsibility for and pride in it.
- (And by far the most important and difficult) Cultivation of student and community pride in the building—a feeling of ownership—the "our" approach.

Students readily assume responsibility when given the opportunity and often are more effective than adults. They are more likely to know the culprits and are able to reach them. When the student council or other student group plans campaigns to improve appearance of the building and grounds, their peers will listen. Young people are ripe for a cause and this could be anti-vandalism instead of anti-establishment.

Specific suggestions include:

a. Indication by the school staff—teachers and administrators alike—that they are interested in what students are interested in with emphasis on the positive.

b. Making the student council or other student government group real, useful, and meaningful to school life for everyone.

c. Formation of specific student anti-vandalism committees and having students serve on such committees involving adults—emphasis on workshops, publicity, and follow-up.

d. Holding student-planned and -led assemblies and carrying out poster campaigns. Student speakers could be especially effective not only for their own but lower grades.

e. Organization of an Ecology Week with emphasis on school appearance.

f. Giving school leaders, including athletes, specific planning and implementation responsibility.

g. Forming student monitor groups with responsibility for supervision of corridors, lavatories, playgrounds, and parking lots.

h. Establishing suggestion boxes for ideas or anonymous tips.

All students will not rush to fall in line. Taunts of principal's pets, sissies, and do-gooders will present a real challenge. Accepting this as part of the total problem and seeking an answer will make the problem all the more meaningful and worthwhile to young people.

Beyond the immediate improvement of appearance and lessening of expense is the carry-over effect of such a program. Respect for the rights and material possessions of others and assumption of group and individual responsibility is a part of education. The fostering of the positive attitudes and values involved are much more important for future lives than much of the knowledge and skills emphasized in school at present. Students do not willfully damage what they consider important and valuable.

Maybe one mini-course could be entitled: "Vandalism—What Is It? What Causes It? What Can Be Done About It?"

This problem should not be treated alone but is closely allied to many other ills surfacing in our seemingly deteriorating society—violence, crime in the streets, cheating, blackmail, political corruption, permissiveness, poverty—all indications of selfishness without regard for one's fellowman.

A rebirth of moral and spiritual values is greatly needed in our society. What better place to stress awareness of and responsibility for this than in our schools. False values could be revealed for what they really are and a new awareness and renewal of conscience be born.

Society has always emphasized dependence for its well-being upon a strong and effective educational system. Now more than ever schools must plant the seeds for arresting the moral decline and reawakening mutual trust and cooperation.

SUSPENSIONS AND DUE PROCESS

An Analysis of Recent Supreme Court Decisions on Student Rights

RFK ROBERT F. KENNEDY MEMORIAL February 28, 1975

INTRODUCTION

On January 22, 1975, and February 25, 1975, the Supreme Court decided two cases which expand the constitutional and statutory protections available to young people attending public schools.

In Goss v. Lopez, the Court held that students have a right to a free public education which cannot be taken away by school officials through suspensions, even temporarily, without due process of law.

In Wood v. Strickland, the Court further extended student rights and ruled that in the context of school discipline, school officials may be sued by students for money damages if they knew or reasonably should have known that their actions would violate the constitutional rights of students.

For several years the Robert F. Kennedy Memorial has expressed its concern over the arbitrary and discriminatory use of suspensions and expulsions by school officials. In 1973, the Memorial and the Southern Regional Council issued a joint report on suspensions, The Student Pushout. The report documented the fact that the misuse of suspensions by school officials has resulted in thousands of young people being forced from school.

The Memorial has developed this pamphlet with the goal of providing students, parents and community groups with an understanding of what the Supreme Court decisions do and do not hold, as well as with information on how to use those decisions.

Because of the close relationship of school records to school discipline policy, a summary of recently enacted federal legislation on school records has been included.

Any and all parts of this document may be copied and distributed.

Robert F. Kennedy Memorial
1035 30th Street, N. W.
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WHAT DOES "THE RIGHT TO DUE PROCESS OF LAW" MEAN?

The U. S. Constitution requires that government agencies treat all persons fairly. Specifically, the 14th Amendment states that the government may not "deprive any person of life, liberty or property without due process of law."

Principals, teachers, coaches, school security guards and all other employees of the school are employees of the government and therefore, under the 14th Amendment have a legal duty to treat you fairly.

In *Goss v. Lopez*, the Supreme Court held that students may not be deprived of the right to *attend school* through suspensions unless, at a minimum, they are first given oral or written notice of the charges against them. If those charges are denied, the authorities must give an explanation of the evidence which thev have *and* students must be given a chance to explain their side of the story.

A serious punishment like suspension or expulsion cannot be imposed for a minor breaking of the rules or for the kind of conduct for which other students in the past have received only mild punishment. In addition to renuiring that procedures for disciplining students be fair, due process requires that school rules themselves be fair.

WHAT IS "THE RIGHT TO ADEQUATE NOTICE OF THE CHARGES?"

In order to defend yourself, you must know exactly of what you are being accused. The typical suspension letter from a principal to students' parents states that the student is charged with "violating school rules" or "serious misconduct" or "disrespect." These phrases fail to give any idea of what offense has been charged or what rule has been violated. That is not adequate notice of the charges.

Goss requires that the student be told in person what he/she is accused of doing, what *school* rule is involved and what evidence the authorities have.

DO STUDENTS HAVE A RIGHT TO A HEARING EVERY TIME A TEACHER OR PRINCIPAL WANTS TO PUNISH THEM?

No, only some of the time. If a school official makes a student stav after class or temporarily leave the room, there is no right to a hearing.

However, where school officials attempt to keep a student from attending school for any period of time, the student must be informed of the reason for the suspension, be given an explanation of the evidence against him/her and be allowed to tell his/her side of the story.

WHO HAS THE POWER TO SUSPEND A STUDENT?

In most states only a principal, superintendent or school board can suspend students. Regardless of who attempts to suspend you, the rights outlined here apply. Often the principal will give a dean or vice-principal the authority to suspend students. If someone other than the principal suspends you, check your state law or school district by-laws; in most states the suspension is illegal.

WHEN SHOULD A SUSPENSION HEARING TAKE PLACE?

As a general rule, notice of the charges, explanation of the evidence against you, and a chance to explain your position must be given before you are suspended. The Supreme Court has held in Goss that this is the law.

The Court said, "The only exception applies to students whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the school. In such cases, the necessary notice and hearing should follow as soon as practical."

Keep in mind that when we speak of a "right to a hearing" we are only speaking of what the law will require school officials to do. That does not mean that your school should not be willing, in the interest of fairness, to give you a chance to be heard in any case in which you think you have been treated unjustly. Don't let the fact that you might not have a good court case keep you from insisting on fair treatment at all times.

DO YOU HAVE A RIGHT TO A PRIOR HEARING ANY TIME YOU FACE POSSIBLE SUSPENSION?

Yes, but for short term suspensions the hearing can be very informal. The Supreme Court's decision in Goss requires that for suspensions of less than 10 days you are entitled to at least oral or written notice of the charges against you and if you deny those charges an explanation of the evidence against you and an opportunity to tell your side of the story.

The Supreme Court in Goss held that, in connection with most suspensions of less than 10 days, schools need not allow students the opportunity to have a lawyer, to listen to and question witnesses testifying against them or to call witnesses to support their case.

IS THERE EVER A RIGHT TO A MORE FORMAL HEARING?

Yes. The Supreme Court's decision in Goss outlines what every student's minimum rights are when faced with a suspension of less than ten days. Some courts and several states and school systems have provided students with more extensive hearing rights.

For example, in Washington, D. C., students faced with a suspension of longer than two days must receive a hearing before an impartial hearing official. At this hearing students are entitled to be represented by an attorney, law student or community advocate. They may question witnesses testifying against them and have the right to bring their own witnesses.

For suspensions between five days and ten days similar rights exist in New York, New Jersey, Philadelphia, parts of California, Maryland, North and South Carolina, Virginia, New Hampshire, Washington and several other states.

The Supreme Court also indicated in Goss that in "unusual situations," although involving a suspension of less than ten days, something more than notice and a chance to explain your side might be required. The Court gave no explanation of what circumstances it might regard as unusual (possibly during an exam period or in the case of a very young student) but if you think it would be helpful, you should request the assistance of a lawyer or a community advocate and the right to question witnesses against you and to call your own witnesses.

The point is for parents and students to KNOW YOUR RIGHTS.

If you know what is required of school officials you can insist on that as a minimum and request additional assistance in order to properly protect your rights.

The Supreme Court recognized that a suspension on one's record could seriously damage a student's reputation and interfere with later opportunities for higher education and employment. Therefore, parents and students should emphasize to the principal that they are concerned with obtaining an education and want to remain in school.

EVEN IF THERE IS NO RIGHT TO A FORMAL HEARING (WITH REPRESENTATION BY A LAWYER, THE ABILITY TO QUESTION ACCUSERS AND BRING YOUR OWN WITNESSES) CAN A STUDENT OR PARENT REQUEST ONE?

Yes. The Supreme Court in Goss stated that providing notice of charges and giving a chance for the student to explain his/her position are minimum requirements which are, if anything, less than a fair-minded school principal would impose upon himself in order to avoid unfair suspensions.

In the name of fairness and to emphasize the serious implications of a suspension, students and parents should request that they be allowed the help of an attorney or community advocate. The presence of such a person has often resulted in the student remaining in school.

WHAT ARE YOUR RIGHTS WITH RESPECT TO A SUSPENSION OF LONGER THAN 10 DAYS OR AN EXPULSION?

The Supreme Court did not decide this in Goss, but stated that "longer suspensions (more than 10 days) or expulsions for the remainder of the school term, or permanently, may require more formal proceedings."

Although the Court did not specify what this meant, if faced with this situation you should demand: (A) a written statement of the charges and the evidence against you; (B) that the hearing be held before someone uninvolved in the incident resulting in the charges; (C) an opportunity to face your accusers (including teachers or other students) and to ask them questions; (D) the right to present your own witnesses; (E) an opportunity to bring an attorney or community advocate; (F) a written decision based only on the evidence presented at the hearing.

This hearing should be prior to the suspension or expulsion unless the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the school.

CAN A STUDENT BE PUNISHED FOR VIOLATING A RULE HE/SHE DID NOT KNOW EXISTED?

It usually depends on whether the student should have known of the rule's existence. Some school systems give students copies of the school's rules. In these places students cannot plead ignorance of the law. Furthermore, most courts will find no violation of due process rights if students are punished for disobeying any school policy which is reasonable even if the student was unaware of it and even if it was unwritten. However, the school may not punish you for violating a policy that is unreasonable or which through common practice you had no reason to believe existed.

For example, if you sometimes leave school during a free period instead of going to study hall, and students have never been told of a rule or policy forbidding that, it would be illegal to punish you without a prior warning. On the other hand, if a teacher specifically tells you not to leave and you do, it is likely that you can be punished even in the absence of a written rule.

A variation of this problem is presented by the typical school rule that allows suspension for "misconduct" or "immoral or disreputable conduct," terms which give you little idea of what is prohibited. If you behave in a way which you reasonably think is permissible but which a school official thinks is "misconduct" or "disreputable conduct," a suspension for that behavior is probably illegal. But if the principal warns you that certain acts are prohibited, don't rely on the absence of a written rule as the basis for defying him. Just disobeying a school official is grounds for suspension in most school districts.

CAN SCHOOL OFFICIALS SUSPEND STUDENTS FOR OFF-CAMPUS ACTIVITY?

If the conduct is unrelated to school activities and does not involve a danger to other students then it is questionable whether school officials have any legitimate interest in what you do out of school.

The school has no business interfering with a student's problems at home, although it does have the right to discipline students for misconduct in school that might be the result of those problems.

DOES A STUDENT HAVE A RIGHT TO APPEAL THE DECISION TO SUSPEND?

Most school districts provide for an appeal after the principal's suspension hearing. This appeal usually goes to the superintendent and then to the school board. In some states, the student has a right to a further appeal to the state commissioner or superintendent of education.

Even if the principal provides all of the rights which are outlined here, if you feel that you have not been treated fairly you should appeal to higher school authorities. Of course, a suspension decision can always be challenged in court. The problem with taking a case to court is the length of time needed to get a final decision (usually over one year.) A solution reached through the school system is preferrable where possible.

To appeal a suspension, it is important to have as much evidence as possible to support your position. Wherever possible request written notice of the charges against you and a written copy of the decision to suspend including the reasons for that decision.

BESIDES MATTERS INVOLVING A SUSPENSION OR EXPULSION, ARE THERE OTHER SCHOOL PRACTICES WHICH REQUIRE A HEARING?

The Supreme Court in Goss ruled only on the question of suspensions. However, other disciplinary measures are often just as serious. Therefore, hearings may be required and should be requested in situations involving: (A) disciplinary transfers to another school or to night school; (B) a ban from participation on athletic teams or other school activities such as the school newspaper; (C) placement in special education classes; (D) placement in various "tracks" against your wishes. To satisfy due process fairness, each of these practices may require basic procedural protections for the student.

CAN SCHOOL OFFICIALS BE SUED FOR MONEY DAMAGES FOR VIOLATING THE CONSTITUTIONAL RIGHTS OF A STUDENT?

Yes. In Wood v. Strickland, the Supreme Court stated that school board members can be held liable for damages if they knew or reasonably should have known that the action they took would violate the constitutional rights of the student affected, or if they took the action with a malicious intent to deprive the student of constitutional rights or cause other injury.

For example, in an Ohio high school, a student was suspended for wearing an arm band. The student's conduct was identical to that which the Supreme Court had earlier upheld as being protected under the constitutional right of the First Amendment freedom of expression. The suspension was appealed to a federal court which ordered school officials to pay the student money damages and remove all record of the suspension from the student's file.

CAN SCHOOL OFFICIALS AVOID BEING SUED BY CLAIMING THAT THEY DID NOT KNOW THEIR ACTIONS VIOLATED A STUDENT'S RIGHTS?

No. The Supreme Court in Wood held that an act which violates a student's constitutional rights cannot be justified by ignorance or disregard of settled, indisputable law by school officials. It is not enough that school officials claim to act with good intentions. They should be held to a standard of conduct based on knowledge of the basic, unquestioned constitutional rights of students.

School officials still have discretion to discipline students, but that discretion must be used fairly, and with the knowledge that they can be held personally accountable in court for their actions.

The Wood decision can be especially valuable in dealing with unfair suspensions. Since the Supreme Court in Goss has held that constitutional due process requires that a student be given a hearing prior to suspension, it will be impossible for school officials to ignore this constitutional right without risking a suit for money damages.

WHAT YOU CAN DO ABOUT SUSPENSIONS

First, know your rights. Know your school's local suspension or discipline code or policy and find out who makes the decisions to suspend in your schools. Find out more about suspensions and how to prevent them.

Learn what other local schools and districts are doing about suspensions. In many communities some schools have no suspensions while others suspend students in large numbers. One of your most effective arguments in combating the use of suspensions can be that another local school does not suspend anyone.

Working to get a hearing to insure due process is just the beginning. Remember, a hearing does not deal with changing the cause for the suspension itself.

Specific actions you can take:

1) Talk to school officials, other students and parents about suspensions and school discipline. Find out which students are being or have been suspended. Why? By whom? For how long?

2) Find out whether these students were given a hearing. Review local school policies and compare those with the standards of Goss or state law. If there are no rights to a hearing, or if that hearing only takes place after the suspension, then the

policy must be changed.

3) Work with a local community organization or civil rights group and encourage them to examine your local suspension policy. A meeting of concerned community groups and parents with school officials will often help to decrease suspensions.

4) Let your school board, superintendent and principals know that you believe that suspensions should be used only as a last resort. Finally, if students are suspended request that the school provide some form of alternative educational program and counseling.

5) Inform school officials (preferably through a community organization) that the group intends to monitor the school's use of suspensions.

SCHOOL RECORD KEEPING PRACTICES AND THE PRIVACY RIGHTS OF PARENTS AND STUDENTS

School records are closely related to a school's overall discipline policy. A suspension or other disciplinary action will usually become part of a student's permanent file.

The Family Education Rights and Privacy Act of 1974 requires that all educational institutions that receive funds from the Office of Education, Department of Health, Education and Welfare, must afford parents of students under 18 years of age (or an eighteen year old student) the following rights:

- the right to inspect and review the educational records kept by the school system on that student;
- the right to challenge or request the removal or modification of material felt to be inaccurate, misleading or inappropriate;
- the right to limit the number and type of individuals who will be able to see a student's records;
- the right to receive a list of those individuals who have been permitted by school officials to see a student's records;
- the right to be notified every time a student's records are turned over to a court by judicial order or subpoena;
- the right to be informed by school officials of the provisions of this Act.

This Act is complicated and the regulations that will finalize the procedures which school officials must follow to implement it will not be issued until mid-April.

Regardless of the regulations' final form, it is doubtful that the Department of Health, Education and Welfare will actively enforce the Act's provisions. Solutions to school records problems should be sought locally. Negotiation, organized local pressure and a knowledge of your basic rights will be the key in dealing with school officials.

The greatest significance of the Act is that it gives students, parents and community groups additional ways to monitor school activities. As we have already stated, if you know your rights and inform school officials of this fact, they will tend to be much more responsive to your efforts.

Provisions of the Act dealing with college students have been omitted from this summary. A more detailed analysis of the Act and its regulations can be obtained by writing to the groups listed in the resource section.

WHAT IS MEANT BY EDUCATION RECORDS?

The term includes all records, files, documents and other materials which (1) contain information directly related to a student; (2) are maintained by a school or educational agency or a person working for or representing such an agency.

ARE ANY TYPES OF RECORDS EXCLUDED?

Yes. The following types of information are not covered by the Act: (1) records made by school personnel that are not shared or accessible to any other person; (2) most records of law enforcement units if those police units do not have access to school records and keep their records only for police purposes; (3) personnel records of school employees.

WHAT IS THE PROCEDURE FOR INSPECTING SCHOOL RECORDS?

The Act requires schools to establish local procedures. Access must be given within 45 days from the time a request for inspection is made. In order to prove that you made such a request, make it in writing, date it and keep a copy.

The proposed regulations allow for copies of records to be made at cost or for free, provide that school officials must give an explanation of the educational records if requested, and that parents must be told about the types of records kept by that school.

The 45 day time period is an absolute maximum and you can and should request that the records be made available in a shorter time.

CAN SCHOOLS DESTROY RECORDS?

The Act does not prohibit schools from destroying records. However, the regulations require that once parents or students request access, records cannot be destroyed.

HOW CAN THE CONTENT OF RECORDS BE CHALLENGED?

Schools can use "informal" meetings and discussions to settle parent or student complaints. While such informal conferences may be the quickest way to get results in some cases, in other situations they may not work.

The Act provides for a "hearing" and sets four minimal standards: hearings must be conducted and decided within a reasonable time, they must be conducted by a person not having a direct interest in the outcome; there must be an opportunity for the parent or student to present evidence; and they must receive a written decision within a reasonable time.

There are no provisions for cross-examination of the author of the challenged information or for the presence of an attorney or community advocate. As with suspension hearings, however, you should always request both assistance by a community advocate or attorney and the right to cross-examine the opposing side.

RESOURCE MATERIALS AND GROUPS

If there is a statewide student rights handbook, obtain a copy and study it. Suspensions and most issues of student rights are governed by state law. Local handbooks should give you good basic information.

Key materials on pushouts and suspensions:

The Student Pushout : Victim of Continued Resistance to Desegregation prepared by the Southern Regional Council and the Robert F. Kennedy Memorial, available for $1.00 from the Memorial at 1035 30th Street, N. W. Washington, D. C. 20007

Children Out of School In America prepared by the Children's Defense Fund, available for $4.00 from the Children's Defense Fund at 1746 Cambridge Street, Cambridge, Massachusetts 02138. (This is the most recent and complete work on the subject.)

The best overall resource book on student rights is The Rights of Students prepared by the ACLU and available at either local ACLU offices or from Avon Books, Mail Order Department, 250 W. 55th Street, New York, New York 10019. The cost is 95¢.

Requests for copies of the School Records Act regulations and complaints on local schools' handling of the Act should be addressed to:

School Records Task Force
c/o Room 5660
Department of Health, Education and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

If you have questions on the Act, need help in implementing it locally or would like a more detailed summary of the legislation contact:

Children's Defense Fund
1520 New Hampshire Avenue, N. W.
Washington, D. C. 20036
202/483-1470

National Committee for Citizens in Educatio
Suite 410
Wilde Lake Village Green
Columbia, Maryland 21044
301/997-9300

Local Resource Information (to be filled in by local contact group):

The United States
LAW WEEK

EXTRA EDITION NO. 2
Supreme Court
Opinions

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OPINIONS ANNOUNCED JANUARY 22, 1975

The Supreme Court decided:

No. 73-898

Norval Goss et al., Appellants,
v.
Eileen Lopez et al.

On Appeal from the United States District Court for the Southern District of Ohio.

[January 22, 1975]

MR. JUSTICE WHITE delivered the opinion of the Court.

This appeal by various administrators of the Columbus, Ohio, Public School System ("CPSS") challenges the judgment of a three-judge federal court, declaring that appellees—various high school students in the CPSS—were denied due process of law contrary to the command of the Fourteenth Amendment in that they were temporarily suspended from their high schools without a hearing either prior to suspension or within a reasonable time thereafter, and enjoining the administrators to remove all references to such suspensions from the students' records.

I

Ohio law, Rev. Code § 3313.64, provides for free education to all children between the ages of six and 21. Section 3313.66 of the Code empowers the principal of an Ohio public school to suspend a pupil for misconduct for up to 10 days or to expel him. In either case, he must notify the student's parents within 24 hours and state the reasons for his action. A pupil who is expelled, or his parents, may appeal the decision to the Board of Education and in connection therewith shall be permitted to be heard at the board meeting. The board may reinstate the pupil following the hearing. No similar procedure is provided in § 3313.66 or any other provision of state law for a suspended student. Aside from a regulation tracking the statute, at the time of the imposition of the suspensions in this case the CPSS had not itself issued any written procedure applicable to suspensions.[1] Nor, so far as the record reflects, had any of the individual high schools involved in this case.[2] Each, however, had formally or informally described the conduct for which suspension could be imposed.

The nine named appellees, each of whom alleged that he or she had been suspended from public high school in Columbus for up to 10 days without a hearing pursuant to § 3313.66, filed an action against the Columbus Board of Education and various administrators of the CPSS under 42 U. S. C. § 1983. The complaint sought a declaration that § 3313.66 was unconstitutional in that it permitted public school administrators to deprive plaintiffs of their rights to an education without a hearing of any kind, in violation of the procedural due process component of the Fourteenth Amendment. It also sought to enjoin the public school officials from issuing future suspensions pursuant to § 3313.66 and to require them to remove references to the past suspensions from the records of the students in question.[3]

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[1] At the time of the events involved in this case, the only Administrative regulation on this subject was § 1010.04 of the Administrative Guide of the Columbus Public Schools which provided: "Pupils may be suspended or expelled from school in accordance with the provision of § 3313.66 of the Revised Code." Subsequent to the events involved in this lawsuit, the Department of Pupil Personnel of the CPSS issued three memoranda relating to suspension procedures dated August 16, 1971, February 21, 1973, and July 10, 1973, respectively. The first two are substantially similar to each other and require no fact-finding hearing at any time in connection with a suspension. The third, which was apparently in effect when this case was argued, places upon the principal the obligation to "investigate" "before commencing suspension procedures"; and provides as part of the procedures that the principal shall discuss the case with the pupil, so that the pupil may "be heard with respect to the alleged offense," unless the pupil is "unavailable" for such a discussion or "unwilling" to participate in it. The suspensions involved in this case occurred, and records thereof were made, prior to the effective date of these memoranda. The District Court's judgment, including its expunction order, turns on the propriety of the procedures existing at the time the suspensions were ordered and by which they were imposed.

[2] According to the testimony of Philip Fulton, the principal of one of the high schools involved in this case, there was an informal procedure applicable at the Marion-Franklin High School. It provided that in the routine case of misconduct, occurring in the presence of a teacher, the teacher would describe the misconduct on a form provided for that purpose and would send the student, with the form, to the principal's office. There, the principal would obtain the student's version of the story, and, if it conflicted with the teacher's written version, would send for the teacher to obtain the teacher's oral version—apparently in the presence of the student. Mr. Fulton testified that, if a discrepancy still existed, the teacher's version would be believed and the principal would arrive at a disciplinary decision based on it.

The proof below established that the suspensions in question arose out of a period of widespread student unrest in the CPSS during February and March of 1971. Six of the named plaintiffs, Rudolph Sutton, Tyrone Washington, Susan Cooper, Deborah Fox, Clarence Byars and Bruce Harris, were students at the Marion-Franklin High School and were each suspended for 10 days[4] on account of disruptive or disobedient conduct committed in the presence of the school administrator who ordered the suspension. One of these, Tyrone Washington, was among a group of students demonstrating in the school auditorium while a class was being conducted there. He was ordered by the school principal to leave, refused to do so and was suspended. Rudolph Sutton, in the presence of the principal, physically attacked a police officer who was attempting to remove Tyrone Washington from the auditorium. He was immediately suspended. The other four Marion-Franklin students were suspended for similar conduct. None was given a hearing to determine the operative facts underlying the suspension, but each, together with his or her parents, was offered the opportunity to attend a conference, subsequent to the effective date of the suspension, to discuss the student's future.

Two named plaintiffs, Dwight Lopez and Betty Crome, were students at the Central High School and McGuffey Junior High School, respectively. The former was suspended in connection with a disturbance in the lunchroom which involved some physical damage to school property.[5] Lopez testified that at least 75 other students were suspended from his school on the same day. He also testified below that he was not a party to the destructive conduct but was instead an innocent bystander. Because no one from the school testified with regard to this incident, there is no evidence in the record indicating the official basis for concluding otherwise. Lopez never had a hearing.

Betty Crome was present at a demonstration at a high school different from the one she was attending. There she was arrested together with others, taken to the police station, and released without being formally charged. Before she went to school on the following day, she was notified that she had been suspended for a 10-day period. Because no one from the school testified with respect to this incident, the record does not disclose how the McGuffey Junior High School principal went about making the decision to suspend Betty Crome nor does it disclose on what information the decision was based. It is clear from the record that no hearing was ever held.

There was no testimony with respect to the suspension of the ninth named plaintiff, Carl Smith. The school files were also silent as to his suspension, although as to some, but not all of the other named plaintiffs the files contained either direct references to their suspensions or copies of letters sent to their parents advising them of the suspension.

On the basis of this evidence, the three-judge court declared that plaintiffs were denied due process of law because they were "suspended without hearing prior to suspension or within a reasonable time thereafter," and that § 3316.66 Ohio Rev. Code and regulations issued pursuant thereto were unconstitutional in permitting such suspensions.[6] It was ordered that all references to plaintiffs' suspensions be removed from school files.

Although not imposing upon the Ohio school administrators any particular disciplinary procedures and leaving them "free to adopt regulations providing for fair procedures which are consonant with the educational goals of their schools and reflective of the characteristics of their school and locality," the District Court declared that there were "minimum requirements of notice and hearing prior to suspension, except in emergency situations." In explication, the court stated that relevant case authority would: (1) permit "immediate removal of a student whose conduct disrupts the academic atmosphere of the school, endangers fellow students, teachers or school officials, or damages property"; (2) require notice of suspension proceedings to be sent to the students' parents within 24 hours of the decision to conduct them; and (3) require a hearing to be held, with the student present, within 72 hours of his removal. Finally, the court stated that, with respect to the nature of the hearing, the relevant cases required that statements in support of the charge be produced, that the student and others be permitted to make statements in defense or mitigation, and that the school need not permit attendance by counsel.

The defendant school administrators have appealed the three-judge court's decision. Because the order below granted plaintiffs' request for an injunction—ordering defendants to expunge their records—this Court has jurisdiction of the appeal pursuant to 28 U. S. C. § 1253. We affirm.

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[3] The plaintiffs sought to bring the action on behalf of all students of the Columbus Public Schools suspended on or after February 1971, and a class action was declared accordingly. Since the complaint sought to restrain the "enforcement" and "operation" of a state statute "by restraining the action of any officer of such state in the enforcement or execution of such statute," a three-judge court was requested pursuant to 28 U. S. C. § 2281 and convened. The students also alleged that the conduct for which they could be suspended was not adequately defined by Ohio law. This vagueness and overbreadth argument was rejected by the court below and the students have not appealed from this part of the court's decision.

[4] Deborah Fox was given two separate 10-day suspensions for misconduct occurring on two separate occasions—the second following immediately upon her return to school. In addition to his suspension, Sutton was transferred to another school.

[5] Lopez was actually absent from school, following his suspension, for over 20 days. This seems to have occurred because of a misunderstanding as to the length of the suspension. A letter sent to Lopez after he had been out for over 10 days purports to assume that, being over compulsory school age, he was voluntarily staying away. Upon asserting that this was not the case, Lopez was transferred to another school.

[6] In its judgment, the court stated that the statute is unconstitutional in that it provides "for suspension without *first* affording the student due process of law." (Emphasis supplied.) However, the language of the judgment must be read in light of the language in the opinion which expressly contemplates that under some circumstances students may properly be removed from school before a hearing is held, so long as the hearing follows promptly.

II

At the outset, appellants contend that because there is no constitutional right to an education at public expense, the Due Process Clause does not protect against expulsions from the public school system. This position misconceives the nature of the issue and is refuted by prior decisions. The Fourteenth Amendment forbids the State to deprive any person of life, liberty or property without due process of law. Protected interests in property are normally "not created by the Constitution. Rather, they are created and their dimensions are defined" by an independent source such as state statutes or rules entitling the citizen to certain benefits. *Board of Regents v. Roth*, 408 U. S. 564, 577 (1972).

Accordingly, a state employee who under state law, or rules promulgated by state officials, has a legitimate claim of entitlement to continued employment absent sufficient cause for discharge may demand the procedural protections of due process. *Connell v. Higginbotham*, 403 U. S. 207 (1971); *Weiman v. Updegraff*, 344 U. S. 183, 191–192 (1952); *Arnett v. Kennedy*, 416 U. S. 134 (1974), 164 (Powell, J., concurring); 171 (White, J., concurring and dissenting). So may welfare recipients who have statutory rights to welfare as long as they maintain the specified qualifications. *Goldberg v. Kelly*, 397 U. S. 254 (1970). *Morrissey v. Brewer*, 408 U. S. 471 (1972), applied the limitations of the Due Process Clause to governmental decisions to revoke parole, although a parolee has no constitutional right to that status. In like vein was *Wolff v. McDonald*, 418 U. S. 539 (1974), where the procedural protections of the Due Process Clause were triggered by official cancellation of a prisoner's good-time credits accumulated under state law, although those benefits were not mandated by the Constitution.

Here, on the basis of state law, appellees plainly had legitimate claims of entitlement to a public education. Ohio Rev. Code §§ 3313.48 and 3313.64 direct local authorities to provide a free education to all residents between six and 21 years of age, and a compulsory attendance law requires attendance for a school year of not less than 32 weeks. Ohio Rev. Code § 3321.04. It is true that § 3313.66 of the code permits school principals to suspend students for up to two weeks; but suspensions may not be imposed without any grounds whatsoever. All of the schools had their own rules specifying the grounds for expulsion or suspension. Having chosen to extend the right to an education to people of appellees' class generally, Ohio may not withdraw that right on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct has occurred. *Arnett v. Kennedy*, *supra*, at 164 (Powell, J., concurring); 171 (White, J., concurring and dissenting); 206 (Marshall, J., dissenting).

Although Ohio may not be constitutionally obligated to establish and maintain a public school system, it has nevertheless done so and has required its children to attend. Those young people do not "shed their constitutional rights" at the schoolhouse door. *Tinker v. Des Moines Community School District*, 393 U. S. 503, 506 (1969). "The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures . . . Boards of Education not excepted." *West Virginia v. Barnette*, 319 U. S. 624, 637 (1943). The authority possessed by the State to prescribe and enforce standards of conduct in its schools, although concededly very broad, must be exercised consistently with constitutional safeguards. Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that clause.

The Due Process Clause also forbids arbitrary deprivations of liberty. "Where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him," the minimal requirements of the clause must be satisfied. *Wisconsin v. Constantineau*, 400 U. S. 433, 437 (1971); *Board of Regents v. Roth*, *supra*, at 573. School authorities here suspended appellees from school for periods of up to 10 days based on charges of misconduct. If sustained and recorded, those charges could seriously damage the students' standing with their fellow pupils and their teachers as well as interfere with later opportunities for higher education and employment.[7] It is apparent that the claimed right of the State to determine unilaterally and without process whether that misconduct has occurred immediately collides with the requirements of the Constitution.

Appellants proceed to argue that even if there is a right to a public education protected by the Due Process Clause generally, the clause comes into play only when the State subjects a student to a "severe detriment or grievous loss." The loss of 10 days, it is said, is neither severe nor grievous and the Due Process Clause is therefore of no relevance. Appellee's argument is again refuted by our prior decisions; for in determining "whether due process requirements apply in the first place, we must look not to the 'weight' but to the *nature* of the interest at stake." *Board of Regents* v. *Roth*, *supra*, at 570–571. Appellees were excluded from school only temporarily, it is true, but the length and consequent severity of a deprivation, while another factor to weigh in determining the appropriate form of hearing, "is not decisive of the basic right" to a hearing of some kind. *Fuentes* v. *Shevin*, 407 U. S. 67, 86 (1972). The Court's view has been that as long as a property deprivation is not *de minimis*, its gravity is irrelevant to the question whether account must be taken of the Due Process Clause. *Sniadach* v. *Family Finance Corp.*, 395 U. S. 337, 342 (Harlan, J., concurring); *Boddie* v. *Connecticut*, 401 U. S. 371, 378–379; *Board of Regents* v. *Roth*, *supra*, p. 570 n. 8. A 10-day suspension from school is not *de minimis* in our view and may not be imposed in complete disregard of the Due Process Clause.

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[7] Amici Curiae, Children's Defense Fund of the Washington Research Project, Inc., and the American Friends Service Committee assert in their brief that four of 12 randomly selected Ohio colleges specifically inquire of the high school of every applicant for admission whether the applicant has ever been suspended. Amici also contend that many employers request similar information.

Congress has recently enacted legislation limiting access to information contained in the files of a school receiving federal funds. Education Amendments of 1974, P. L. 93-380, § 513. That section would preclude release of "verified reports of serious or recurrent behavior patterns" to employers without written consent of the student's parents. While § 513 (b)(1)(B) permits release of such information to "other schools . . . in which the student intends to enroll," it does so only upon condition that the parent be advised of the release of the information and be given an opportunity at a hearing to challenge the content of the information to insure against inclusion of inaccurate or misleading information. The statute does not expressly state whether the parent can contest the underlying basis for a suspension, the fact of which is contained in the student's school record.

A short suspension is of course a far milder deprivation than expulsion. But, "education is perhaps the most important function of state and local governments." *Brown* v. *Board of Education*, 347 U. S. 483, 493 (1954), and the total exclusion from the educational process for more than a trivial period, and certainly if the suspension is for 10 days, is a serious event in the life of the suspended child. Neither the property interest in educational benefits temporarily denied nor the liberty interest in reputation, which is also implicated, is so insubstantial that suspensions may constitutionally be imposed by any procedure the school chooses, no matter how arbitrary.[8]

III

"Once it is determined that due process applies, the question remains what process is due." *Morrissey* v. *Brewer*, *supra*, at 481. We turn to that question, fully realizing as our cases regularly do that the interpretation and application of the Due Process Clause are intensely practical matters and that "the very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation." *Cafeteria Workers* v. *McElroy*, 367 U. S. 886, 895 (1961). We are also mindful of our own admonition that

> "Judicial interposition in the operation of the public school system of the Nation raises problems requiring care and restraint. . . . By and large, public education in our Nation is committed to the control of state and local authorities." *Epperson* v. *Arkansas*, 393 U. S. 97, 104.

There are certain bench marks to guide us, however. *Mullane* v. *Central Hanover Trust Co.*, 339 U. S. 306 (1950), a case often invoked by later opinions, said that "many controversies have raged about the cryptic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Id.*, at 313. "[T]he fundamental requisite of due process of law is the opportunity to be heard," *Grannis* v. *Ordean*, 234 U. S. 385,

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[8] Since the landmark decision of the Court of Appeals for the Fifth Circuit in *Dixon* v. *Alabama State Board of Education*, 294 F. 2d 150 (CA5), cert. denied, 368 U. S. 930 (1961), the lower federal courts have uniformly held the Due Process Clause applicable to decisions made by tax supported educational institutions to remove a student from the institution long enough for the removal to be classified as an expulsion. *Hagopian* v. *Knowlton*, 470 F. 2d 201, 211 (CA2 1970); *Wasson* v. *Trowbridge*, 382 F. 2d 807, 812 (CA2 1967); *Esteban* v. *Central Missouri State College*, 415 F. 2d 1077, 1089 (CA8 1969), cert. denied, 398 U. S. 965 (1970); *Vought* v. *Van Buren Public Schools*, 306 F. Supp. 1388 (ED Mich. 1969); *Whitfield* v. *Simpson*, 312 F. Supp. 889 (ED Ill. 1970); *Fielder* v. *Board of Education of School District of Winnebago, Neb.*, 346 F. Supp. 722, 729 (Neb. 1972); *De Jesus* v. *Penberthy*, 344 F. Supp. 70, 74 (Conn. 1972); *Soglin* v. *Kaufman*, 295 F. Supp. 978, 994 (WD Wis. 1968), aff'd, 418 F. 2d 163 (CA7 1969); *Stricklin* v. *Regents of University of Wisconsin*, 297 F. Supp. 416, 420 (WD Wis. 1969), appeal dismissed, 420 F. 2d 1257 (CA7 1970); *Buck* v. *Carter*, 308 F. Supp. 1246 (WD Wis. 1970); General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education, 45 F. R. D. 133, 147–148 (WD Mo. 1968), en banc. The lower courts have been less uniform, however, on the question whether removal from school for some shorter period may ever be so trivial a deprivation as to require no process, and, if so, how short the removal must be to qualify. Circuit courts have held or assumed the Due Process Clause applicable to long suspensions, *Pervis* v. *LaMarque Ind. School District*, 466 F. 2d 1054 (CA5 1972), to indefinite suspensions, *Sullivan* v. *Houston Independent School District*, 475 F. 2d 1071 (CA5), cert. denied, 414 U. S. 1032 (1973), the addition of a 30-day suspension to a 10-day suspension, *Williams* v. *Dade County School Board*, 441 F. 2d 299 (CA5 1971), to a 10-day suspension, *Black Students of North Fort Myers Jr.-Sr. High School* v. *Williams*, 470 F. 2d 957 (CA5 1972), to "mild" suspensions, *Farrell* v. *Joel*, 437 F. 2d 160 (CA2 1971), and *Tate* v. *Board of Education*, 453 F. 2d 975 (CA8 1972), and to a three-day suspension, *Shanley* v. *Northeast Ind. School District, Bexar County, Texas*, 462 F. 2d 960, 967 n. 4 (CA5 1972); and inapplicable to a seven-day suspension, *Linwood* v. *Peoria*, 463 F. 2d 763 (CA7), cert. denied, 409 U. S. 1027 (1972), a three-day suspension, *Dunn* v. *Tyler*, 460 F. 2d 137 (CA5 1972), to a suspension for "not more than a few days," *Murray* v. *West Baton Rouge Parish School Board*, 472 F. 2d 438 (CA5 1973), and to all suspensions no matter how short, *Black Coalition* v. *Portland School District No. 1*, 484 F. 2d 1040 (CA9 1973). The federal district courts have held the Due Process Clause applicable to an interim suspension pending expulsion proceedings in *Stricklin* v. *Regents of University of Wisconsin*, *supra*, and *Buck* v. *Carter*, *supra*, to a 10-day suspension, *Banks* v. *Board of Public Instruction of Dade County*, 314 F. Supp. 285 (SD Fla. 1970), vacated, 401 U. S. 988 (1971) (for entry of a fresh decree so that a timely appeal might be taken to the Court of Appeals), aff'd, 450 F. 2d 1103 (CA5 1971), to suspensions of under five days, *Vail* v. *Board of Education*, 354 F. Supp. 592 (N. H. 1973), and to all suspensions, *Mills* v. *Board of Education*, 348 F. Supp. 866 (D. C. 1972), and *Givens* v. *Poe*, 346 F. Supp. 202 (WDNC 1972); and inapplicable to suspensions of 25 days, *Hernandez* v. *School District Number One, Denver, Colorado*, 315 F. Supp. 289 (Colo. 1970), to suspensions of 10 days, *Baker* v. *Downey City Board of Education*, 307 F. Supp. 517 (CD Cal. 1969), and to suspensions of eight days, *Hatter* v. *Los Angeles City High School District*, 310 F. Supp. 1309 (CD Cal. 1970), rev'd on other grounds, 452 F. 2d 673 (CA9 1971). In the cases holding no process necessary in connection with short suspensions, it is not always clear whether the court viewed the Due Process Clause as inapplicable, or simply felt that the process received was "due" even in the absence of some kind of hearing procedure.

394 (1914), a right that "has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to . . . contest." *Mullane* v. *Central Hanover Trust Co., supra,* at 314. *Armstrong* v. *Manzo,* 380 U. S. 545, 550 (1965); *Anti-Fascist Committee* v. *McGrath,* 341 U. S. 123, 168–169 (1951) (Frankfurter, J., concurring). At the very minimum, therefore, students facing suspension and the consequent interference with a protected property interest must be given *some* kind of notice and afforded *some* kind of hearing. "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified." *Baldwin* v. *Hale,* 68 U. S. 223, 233 (1863).

It also appears from our cases that the timing and content of the notice and the nature of the hearing will depend on appropriate accommodation of the competing interests involved. *Cafeteria Workers* v. *McElroy, supra,* at 895; *Morrissey* v. *Brewer, supra,* at 481. The student's interest is to avoid unfair or mistaken exclusion from the educational process, with all of its unfortunate consequences. The Due Process Clause will not shield him from suspensions properly imposed, but it disserves both his interest and the interest of the State if his suspension is in fact unwarranted. The concern would be mostly academic if the disciplinary process were a totally accurate, unerring process, never mistaken and never unfair. Unfortunately, that is not the case, and no one suggests that it is. Disciplinarians, although proceeding in utmost good faith, frequently act on the reports and advice of others; and the controlling facts and the nature of the conduct under challenge are often disputed. The risk of error is not at all trivial, and it should be guarded against if that may be done without prohibitive cost or interference with the educational process.

The difficulty is that our schools are vast and complex. Some modicum of discipline and order is essential if the educational function is to be performed. Events calling for discipline are frequent occurrences and sometimes require immediate, effective action. Suspension is considered not only to be a necessary tool to maintain order but a valuable educational device. The prospect of imposing elaborate hearing requirements in every suspension case is viewed with great concern, and many school authorities may well prefer the untrammeled power to act unilaterally, unhampered by rules about notice and hearing. But it would be a strange disciplinary system in an educational institution if no communication was sought by the disciplinarian with the student in an effort to inform him of his defalcation and to let him tell his side of the story in order to make sure that an injustice is not done. "[F]airness can rarely be obtained by secret, one-sided determination of the facts decisive of rights. . . . Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness. No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it." *Anti-Fascist Committee* v. *McGrath, supra,* at 170–172 (Frankfurter, J., concurring).[9]

We do not believe that school authorities must be totally free from notice and hearing requirements if their schools are to operate with acceptable efficiency. Students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story. The clause requires at least these rudimentary precautions against unfair or mistaken findings of misconduct and arbitrary exclusion from school.[10]

There need be no delay between the time "notice" is given and the time of the hearing. In the great majority of cases the disciplinarian may informally discuss the alleged misconduct with the student minutes after it has occurred. We hold only that, in being given an opportunity to explain his version of the facts at this discussion, the student first be told what he is accused of doing and what the basis of the accusation is. Lower courts which have addressed the question of the *nature* of the procedures required in short suspension cases have reached the same conclusion. *Tate* v. *Board of Education, supra*, at 979; *Vail* v. *Board of Education, supra*, at 603. Since the hearing may occur almost immediately following the misconduct, it follows that as a general rule notice and hearing should precede removal of the student from school. We agree with the District Court, however, that there are recurring situations in which prior notice and hearing cannot be insisted upon. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and rudimentary hearing should follow as soon as practicable, as the District Court indicated.

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[9] The facts involved in this case illustrate the point. Betty Crome was suspended for conduct which did not occur on school grounds, and for which mass arrests were made—hardly guarantying careful individualized factfinding by the police or by the school principal. She claims to have been involved in no misconduct. However, she was suspended for 10 days without ever being told what she was accused of doing or being given an opportunity to explain her presence among those arrested. Similarly, Dwight Lopez was suspended, along with many others, in connection with a disturbance in the lunchroom. Lopez says he was not one of those in the lunchroom who was involved. However, he was never told the basis for the principal's belief that he was involved, nor was he ever given an opportunity to explain his presence in the lunchroom. The school principals who suspended Crome and Lopez may have been correct on the merits, but it is inconsistent with the Due Process Clause to have made the decision that misconduct had occurred without at some meaningful time giving Crome or Lopez an opportunity to persuade the principals otherwise.

We recognize that both suspensions were imposed during a time of great difficulty for the school administrations involved. At least in Lopez' case there may have been an immediate need to send home everyone in the lunchroom in order to preserve school order and property; and the administrative burden of providing 75 "hearings" of any kind is considerable. However, neither factor justifies a disciplinary suspension without *at any time* gathering facts relating to Lopez specifically, confronting him with them, and giving him an opportunity to explain.

[10] Appellants point to the fact that some process is provided under Ohio law by way of judicial review. Ohio Rev. Code § 2501.06. Appellants do not cite any case in which this general administrative review statute has been used to appeal from a disciplinary decision by a school official. If it be assumed that it could be so used, it is for two reasons insufficient to save inadequate procedures at the school level. *First,* although new proof may be offered in a § 2501.06 proceeding, *Shaker Coventry Corp.* v. *Shaker Heights,* 176 N. E. 2d 332, the proceeding is not *de novo.* *In re Locke,* 294 N. E. 2d 230. Thus the decision by the school—even if made upon inadequate procedures—is entitled to weight in the court proceeding. *Second,* without a demonstration to the contrary, we must assume that delay will attend any § 2501.06 proceeding, that the suspension will not be stayed pending hearing, and that the student meanwhile will irreparably lose his educational benefits.

In holding as we do, we do not believe that we have imposed procedures on school disciplinarians which are inappropriate in a classroom setting. Instead we have imposed requirements which are, if anything, less than a fair-minded school principal would impose upon himself in order to avoid unfair suspensions. Indeed, according to the testimony of the principal of Marion-Franklin High School, that school had an informal procedure, remarkably similar to that which we now require, applicable to suspensions generally but which was not followed in this case. Similarly, according to the most recent memorandum applicable to the entire CPSS, see n. 1, *supra*, school principals in the CPSS are now required by local rule to provide at least as much as the constitutional minimum which we have described.

We stop short of construing the Due Process Clause to require, countrywide, that hearings in connection with short suspensions must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge or to call his own witnesses to verify his version of the incident. Brief disciplinary suspensions are almost countless. To impose in each such case even truncated trial type procedures might well overwhelm administrative facilities in many places and, by diverting resources, cost more than it would save in educational effectiveness. Moreover, further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular disciplinary tool but also destroy its effectiveness as part of the teaching process.

On the other hand, requiring effective notice and informal hearing permitting the student to give his version of the events will provide a meaningful hedge against erroneous action. At least the disciplinarian will be alerted to the existence of disputes about facts and arguments about cause and effect. He may then determine himself to summon the accuser, permit cross-examination and allow the student to present his own witnesses. In more difficult cases, he may permit counsel. In any event, his discretion will be more informed and we think the risk of error substantially reduced.

Requiring that there be at least an informal give-and-take between student and disciplinarian, preferably prior to the suspension, will add little to the factfinding function where the disciplinarian has himself witnessed the conduct forming the basis for the charge. But things are not always as they seem to be, and the student will at least have the opportunity to characterize his conduct and put it in what he deems the proper context.

We should also make it clear that we have addressed ourselves solely to the short suspension, not exceeding 10 days. Longer suspensions or expulsions for the remainder of the school term, or permanently, may require more formal procedures. Nor do we put aside the possibility that in unusual situations, although involving only a short suspension, something more than the rudimentary procedures will be required.

IV

The District Court found each of the suspensions involved here to have occurred without a hearing, either before or after the suspension, and that each suspension was therefore invalid and the statute unconstitutional insofar as it permits such suspensions without notice or hearing. Accordingly, the judgment is

Affirmed.

Mr. Justice Powell, with whom The Chief Justice, Mr. Justice Blackmun, and Mr. Justice Rehnquist join, dissenting.

The Court today invalidates an Ohio statute that permits student suspensions from school without a hearing "for not more than ten days."[1] The decision unnecessarily opens avenues for judicial intervention in the operation of our public schools that may affect adversely the quality of education. The Court holds for the first time that the federal courts, rather than educational officials and state legislatures, have the authority to determine the rules applicable to routine classroom discipline of children and teenagers in the public schools. It justifies this unprecedented intrusion into the process of elementary and secondary education by identifying a new constitutional right: the right of a student not to be suspended for as much as a single day without notice and a due process hearing either before or promptly following the suspension.[2]

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[1] The Ohio Statute, §3313.66 of the Ohio Rev. Code, actually is a limitation on the time-honored practice of school authorities determining themselves the appropriate duration of suspensions. The statute allows the superintendent or principal of a public school to suspend a pupil "for *not more than ten days* . . ." (italics supplied); and requires notification of the parent or guardian in writing within 24 hours of any suspension.

[2] Section 3313.66 also provides authority for the expulsion of pupils, but requires a hearing thereon by the school board upon request of a parent or guardian. The rights of pupils expelled are not involved in this case, which concerns only the limited discretion of school authorities to suspend for not more than 10 days. Expulsion, usually resulting at least in loss of a school year or semester, is an incomparably more serious matter than the brief suspension, traditionally used as the principal sanction for enforcing routine discipline. The Ohio statute recognizes this distinction.

[3] The Court speaks of "exclusion from the educational process for more than a 'trivial period . . .,'" *ante*, at 10, but its opinion makes clear that even one day's suspension invokes the constitutional procedure mandated today.

The Court's decision rests on the premise that, under Ohio law, education is a property interest protected by the Fourteenth Amendment's Due Process Clause and therefore that any suspension requires notice and a hearing.[4] In my view, a student's interest in education is not infringed by a suspension within the limited period prescribed by Ohio law. Moreover, to the extent that there may be some arguable infringement, it is too speculative, transitory and insubstantial to justify imposition of a constitutional rule.

I

Although we held in *San Antonio Independent School Dist.* v. *Rodriguez*, 411 U. S. 1, 35 (1973), that education is not a right protected by the Constitution, Ohio has elected by statute to provide free education for all youths age six to 21, Ohio Rev. Code §§ 3313.48, 3313.64, with children under 18 years of age being compelled to attend school. *Id.*, at § 3321.01 *et seq.* State law, therefore, extends the right of free public school education to Ohio students in accordance with the education laws of that State. The right or entitlement to education so created is protected in a proper case by the Due Process Clause. See, *e. g.*, *Board of Regents* v. *Roth*, 408 U. S. 564 (1972); *Arnett* v. *Kennedy*, 416 U. S. 134, 164 (1974) (POWELL, J., concurring). In my view, this is not such a case.

In identifying property interests subject to due process protections the Court's past opinions make clear that these interests "are created and their *dimensions are defined* by existing rules and understandings that stem from an independent source such as state law." *Board of Regents* v. *Roth*, *supra*, 408 U. S., at 577 (emphasis supplied). The Ohio statute that creates the right to a "free" education also explicitly authorizes a principal to suspend a student for up to 10 days. Ohio Rev. Stat. §§ 3313.48, 3313.64, 3313.66. Thus the very legislation which "defines" the "dimension" of the student's entitlement, while providing a right to education generally, does not establish this right free of discipline imposed in accord with Ohio law. Rather, the right is encompassed in the entire package of statutory provisions governing education in Ohio—of which the power to suspend is one.

The Court thus disregards the basic structure of Ohio law in posturing this case as if Ohio had conferred an unqualified right to education, thereby compelling the school authorities to conform to due process procedures in imposing the most routine discipline.[5]

But however one may define the entitlement to education provided by Ohio law, I would conclude that a deprivation of not more than 10 days' suspension from school, imposed as a routine disciplinary measure, does not assume constitutional dimensions. Contrary to the Court's assertion, our cases support rather than "refute" appellant's argument that "the Due Process Clause . . . comes into play only when the State subjects a student to a 'severe detriment or a grievous loss.'" *Ante*, at 10. Recently, the Court reiterated precisely this standard for analyzing due process claims:

> "Whether any procedural protections are due depends on the extent to which an individual will be 'condemned to suffer *grievous* loss.' *Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U. S. 123, 168 (1951) (Frankfurter, J., concurring), quoted in *Goldberg* v. *Kelly*, 397 U. S. 254, 263 (1970)." *Morrissey* v. *Brewer*, 408 U. S. 471, 481 (1972) (emphasis supplied).

In *Morrissey* we applied that standard to require due process procedures for parole revocation on the ground that revocation "inflicts a 'grievous loss' on the parolee and often on others." *Id.*, at 482. See also *Board of Regents* v. *Roth*, *supra*, 408 U. S., at 573 ("seriously damage" reputation and standing); *Bell* v. *Burson*, 402 U. S. 535, 539 (1971) ("important interests of the licensees"); *Boddie* v. *Connecticut*, 401 U. S. 371, 379 (1971) ("significant property interest").[7]

The Ohio suspension statute allows no serious or significant infringement of education. It authorizes only a maximum suspension of eight school days, less than 5% of the normal 180-day school year. Absences of such limited duration will rarely affect a pupil's opportunity to learn or his scholastic performance. Indeed, the record in this case reflects no educational injury to appellees. Each completed the semester in which the suspension occurred and performed at least as well as he or she had in previous years.[6] Despite the Court's unsupported speculation that a suspended student could be "seriously damaged" (*ante*, at 9), there is no factual showing of any such damage to appellees.

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[4] The Court apparently reads into Ohio law by implication a qualification that suspensions may be imposed only for "cause," thereby analogizing this case to the Civil Service laws considered in *Arnett* v. *Kennedy*, *supra*. To be sure, one may assume that pupils are not suspended at the whim or caprice of the school official, and the statute does provide for notice of the suspension with the "reasons therefor." But the same statute draws a sharp distinction between suspension and the far more drastic sanction of expulsion. A hearing is required only for the latter. To follow the Court's analysis one must conclude that the legislature nevertheless intended—without saying so—that suspension also is of such consequence that it may be imposed only for causes which can be justified at a hearing. The unsoundness of reading this sort of requirement into the statute is apparent from a comparison with *Arnett*. In that case, Congress *expressly* provided that nonprobationary federal employees should be discharged only for "cause." This requirement reflected congressional recognition of the seriousness of discharging such employees. There simply is no analogy between *termination* of nonprobationary employment of a civil service employee and the *suspension* of a public school pupil for not more than 10 days. Even if the Court is correct in implying some concept of justifiable cause in the Ohio procedure, it could hardly be stretched to the constitutional proportions found present in *Arnett*.

[5] Indeed, the Court itself quotes from a portion of Justice Frankfurter's concurrence in *Joint Anti-Fascist Refugee Committee* v. *McGrath*, *supra*, which explicitly refers to "a person in jeopardy of serious loss." 341 U. S., at 172; see *ante*, at 14 (emphasis supplied).

Nor is the "de minimis" standard referred to by the Court relevant in this case. That standard was first stated by Justice Harlan in a concurring opinion in *Sniadach* v. *Family Finance Corp.*, 395 U. S. 337, 342 (1969), and then quoted in a footnote to the Court's opinion in *Fuentes* v. *Shevin*, 407 U. S. 67, 90, n. 21 (1972). Both *Sniadach* and *Fuentes*, however, involved resolution of property disputes between two private parties claiming an interest in the same property. Neither case pertained to an interest conferred by the State.

[6] Appendix, at 162-171 (testimony of Norval Goss, Director of Pupil Personnel). See opinion of the three-judge court, Jurisdictional Statement, at 42, 44.

[7] See also *Wisconsin* v. *Constantineau*, 400 U. S. 433, 437 (1971), quoting the "grievous loss" standard first articulated in *Joint Anti-Fascist Refugee Committee* v. *McGrath*, *supra*.

The Court also relies on a perceived deprivation of "liberty" resulting from any suspension, arguing—again without factual support in the record pertaining to these appellees—that a suspension harms a student's reputation. In view of the Court's decision in *Board of Regents* v. *Roth*, *supra*, I would have thought that this argument was plainly untenable. Underscoring the need for "serious damage" to reputation, the *Roth* Court held that a nontenured teacher who is not rehired by a public university could not claim to suffer sufficient reputational injury to require constitutional protections.[7] Surely a brief suspension is of less serious consequence to the reputation of a teenage student.

II

In prior decisions, this Court has explicitly recognized that school authorities must have broad discretionary authority in the daily operation of public schools. This includes wide latitude with respect to maintaining discipline and good order. Addressing this point specifically, the Court stated in *Tinker* v. *Des Moines School Dist.*, 393 U. S. 503, 507 (1969):

> "[T]he Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools."[8]

Such an approach properly recognizes the unique nature of public education and the correspondingly limited role of the judiciary in its supervision. In *Epperson* v. *Arkansas*, 393 U. S. 97, 104 (1968), the Court stated:

> "By and large, public education in our Nation is committed to the control of state and local authorities. Courts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems and which do not directly and sharply implicate basic constitutional values."

The Court today turns its back on these precedents. It can hardly seriously be claimed that a school principal's decision to suspend a pupil for a single day would "directly and sharply implicate basic constitutional values." *Epperson*, *supra*.

Moreover, the Court ignores the experience of mankind, as well as the long history of our law, recognizing that there *are* differences which must be accommodated in determining the rights and duties of children as compared with those of adults. Examples of this distinction abound in our law: in contracts, in torts, in criminal law and procedure, in criminal sanctions and rehabilitation, and in the right to vote and to hold office. Until today, and except in the special context of the First Amendment issue in *Tinker*, the educational rights of children and teenagers in the elementary and secondary schools have not been analogized to the rights of adults or to those accorded college students. Even with respect to the First Amendment, the rights of children have not been regarded as "coextensive with those of adults." MR. JUSTICE STEWART, concurring in *Tinker*, *supra*, at 515.

A

I turn now to some of the considerations which support the Court's former view regarding the comprehensive authority of the States and school officials "to prescribe and control conduct in the schools." *Tinker*, *supra*, at 507. Unlike the divergent and even sharp conflict of interests usually present where due process rights are asserted, the interests here implicated—of the State through its schools and of the pupils—are essentially congruent.

The State's interest, broadly put, is in the proper functioning of its public school system for the benefit of *all* pupils and the public generally. Few rulings would interfere more extensively in the daily functioning of schools than subjecting routine discipline to the formalities and judicial oversight of due process. Suspensions are one of the traditional means—ranging from keeping a student after class to permanent expulsion—used to maintain discipline in the schools. It is common knowledge that maintaining order and reasonable decorum in school buildings and classrooms is a major educational problem, and one which has increased significantly in magnitude in recent years.[9] Often the teacher, in protecting the rights of other children to an education (if not his or their safety), is compelled to rely on the power to suspend.

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[8] In dissent on the First Amendment issue, Mr. Justice Harlan recognized the Court's basic agreement on the limited role of the judiciary in overseeing school disciplinary decisions:

"I am reluctant to believe that there is any disagreement between the majority and myself on the proposition that school officials should be accorded the widest authority in maintaining discipline and good order in their institutions." *Id.*, at 526.

[9] See generally S. Bailey, Disruption in Urban Secondary Schools (1970), which summarizes some of the recent surveys on school disruption. A Syracuse University study, for example, found that 85% of the schools responding reported some type of significant disruption in the years 1967-1970.

[10] An *amicus* brief filed by the Children's Defense Fund states that at least 10% of the junior and senior high school students in the States sampled were suspended *one or more* times in the 1972-1973 school year. The data on which this conclusion rests were obtained from an extensive survey prepared by the Office for Civil Rights of the Department of Health, Education, and Welfare. The Children's Defense Fund reviewed the suspension data for five States—Arkansas, Maryland, New Jersey, Ohio, and South Carolina.

Likewise, an *amicus* brief submitted by several school associations in Ohio indicates that the number of suspensions is significant: in 1972-1973, 4,054 students out of a school enrollment of 81,007 were suspended in Cincinnati; 7,352 of 57,000 students were suspended in Akron; and 14,598 of 142,053 students were suspended in Cleveland. See also the Office of Civil Rights Survey, *supra*, finding that approximately 20,000 students in New York City, 12,000 in Cleveland, 9,000 in Miami, and 9,000 in Memphis were suspended at least once during the 1972-1973 school year. Even these figures are probably somewhat conservative since some schools did not reply to the survey.

[11] See generally J. Dobson, Dare to Discipline (1972).

The facts set forth in the margin [10] leave little room for doubt as to the magnitude of the disciplinary problem in the public schools, or as to the extent of reliance upon the right to suspend. They also demonstrate that if hearings were required for a substantial percentage of short-term suspensions, school authorities would have time to do little else.

B

The State's generalized interest in maintaining an orderly school system is not incompatible with the individual interest of the student. Education in any meaningful sense includes the inculcation of an understanding in each pupil of the necessity of rules and obedience thereto. This understanding is no less important than learning to read and write. One who does not comprehend the meaning and necessity of discipline is handicapped not merely in his education but throughout his subsequent life. In an age when the home and church play a diminishing role in shaping the character and value judgments of the young, a heavier responsibility falls upon the schools. When an immature student merits censure for his conduct, he is rendered a disservice if appropriate sanctions are not applied or if procedures for their application are so formalized as to invite a challenge to the teacher's authority [11]—an invitation which rebellious or even merely spirited teenagers are likely to accept.

The lesson of discipline is not merely a matter of the student's self-interest in the shaping of his own character and personality; it provides an early understanding of the relevance to the social compact of respect for the rights of others. The classroom is the laboratory in which this lesson of life is best learned. Mr. Justice Black summed it up:

> "School discipline, like parental discipline, is an integral and important part of training our children to be good citizens—to be better citizens." *Tinker*, *supra*, at 524 (dissenting opinion).

In assessing in constitutional terms the need to protect pupils from unfair minor discipline by school authorities, the Court ignores the commonality of interest of the State and pupils in the public school system. Rather, it thinks in traditional judicial terms of an adversary situation. To be sure, there will be the occasional pupil innocent of any rule infringement who is mistakenly suspended or whose infraction is too minor to justify suspension. But, while there is no evidence indicating the frequency of unjust suspensions, common sense suggests that they will not be numerous in relation to the total number, and that mistakes or injustices will usually be righted by informal means.

C

One of the more disturbing aspects of today's decision is its indiscriminate reliance upon the judiciary, and the adversary process, as the means of resolving many of the most routine problems arising in the classroom. In mandating due process procedures the Court misapprehends the reality of the normal teacher-pupil relationship. There is an ongoing relationship, one in which the teacher must occupy many roles—educator, adviser, friend and, at times, parent-substitute.[12] It is rarely adversary in nature except with respect to the chronically disruptive or insubordinate pupil whom the teacher must be free to discipline without frustrating formalities.[13]

The Ohio statute, providing as it does for due notice both to parents and the Board, is compatible with the teacher-pupil relationship and the informal resolution of mistaken disciplinary action. We have relied for generations upon the experience, good faith and dedication of those who staff our public schools,[14] and the nonadversary means of airing grievances that always have been available to pupils and their parents. One would have thought before today's opinion that this informal method of resolving differences was more compatible with the interests of all concerned than resort to any constitutionalized procedure, however blandly it may be defined by the Court.

D

In my view, the constitutionalizing of routine classroom decisions not only represents a significant and unwise extension of the Due Process Clause; it also was quite unnecessary in view of the safeguards prescribed by the Ohio statute. This is demonstrable from a comparison of what the Court mandates as required by due process with the protective procedures it finds constitutionally insufficient.

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[12] The role of the teacher in our society historically has been an honored and respected one, rooted in the experience of decades that has left for most of us warm memories of our teachers, especially those of the formative years of primary and secondary education.

[13] In this regard, the relationship between a student and teacher is manifestly different from that between a welfare administrator and a recipient (see *Goldberg* v. *Kelly*, *supra*), a motor vehicle department and a driver (see *Bell* v. *Burson*, *supra*), a debtor and a creditor (see *Sniadach* v. *Family Finance Corp.*, *supra*; *Fuentes* v. *Shevin*, *supra*; *Mitchell* v. *Grant*, 416 U. S. 600 (1974)), a parole officer and a parolee (see *Morrissey* v. *Brewer*, *supra*), or even an employer and an employee (see *Arnett* v. *Kennedy*, *supra*; *Board of Regents of State College* v. *Roth*, *supra*; *Perry* v. *Sindermann*, 408 U. S. 593 (1972)). In many of these noneducation settings there is—for purposes of this analysis—a "faceless" administrator dealing with an equally "faceless" recipient of some form of government benefit or license; in others, such as the garnishment and repossession cases, there is a conflict of interest relationship. Our public school system, however, is premised on the belief that teachers and pupils should not be "faceless" to each other. Nor does the educational relationship present a typical "conflict of interest." Rather, the relationship traditionally is marked by a coincidence of interests.

Yet the Court, relying on cases such as *Sniadach* and *Fuentes*, apparently views the classroom of teenagers as comparable to the competitive and adversary environment of the adult, commercial world.

[14] A traditional factor in any due process analysis is "the protection implicit in the office of the functionary whose conduct is challenged . . . ." *Joint Anti-Fascist Committee* v. *McGrath*, *supra*, at 163 (Frankfurter, J., concurring). In the public school setting there is a high degree of such protection since a teacher has responsibility for, and a commitment to, his pupils that is absent in other due process contexts.

The Ohio statute, limiting suspensions to not more than eight school days, requires *written* notice including the "reasons therefor" to the student's parents and to the Board of Education within 24 hours of any suspension. The Court only requires oral *or* written notice to the pupil, with no notice being required to the parents or the Board of Education. The mere fact of the statutory requirement is a deterrent against arbitrary action by the principal. The Board, usually elected by the people and sensitive to constituent relations, may be expected to identify a principal whose record of suspensions merits inquiry. In any event, parents placed on written notice may exercise their rights as constituents by going directly to the Board or a member thereof if dissatisfied with the principal's decision.

Nor does the Court's due process "hearing" appear to provide significantly more protection than that already available. The Court holds only that the principal must listen to the student's "version of the events," either before suspension or thereafter—depending upon the circumstances. *Ante*, at 17 18. Such a truncated "hearing" is likely to be considerably less meaningful than the opportunities for correcting mistakes already available to students and parents. Indeed, in this case all of the students and parents were offered an opportunity to attend a conference with school officials.

In its rush to mandate a constitutional rule, the Court appears to give no weight to the practical manner in which suspension problems normally would be worked out under Ohio law.[15] One must doubt, then, whether the constitutionalization of the student-teacher relationship, with all of its attendant doctrinal and practical difficulties, will assure in any meaningful sense greater protection than that already afforded under Ohio law.

III

No one can foresee the ultimate frontiers of the new "thicket" the Court now enters. Today's ruling appears to sweep within the protected interest in education a multitude of discretionary decisions in the educational process. Teachers and other school authorities are required to make many decisions that may have serious consequences for the pupil. They must decide, for example, how to grade the student's work, whether a student passes or fails a course,[16] whether he is to be promoted, whether he is required to take certain subjects, whether he may be excluded from interscholastic athletics[17] or other extracurricular activities, whether he may be removed from one school and sent to another, whether he may be bused long distances when available schools are nearby, and whether he should be placed in a "general," "vocational," or "college-preparatory" track.

In these and many similar situations claims of impairment of one's educational entitlement identical in principle to those before the Court today can be asserted with equal or greater justification. Likewise, in many of these situations, the pupil can advance the same types of speculative and subjective injury given critical weight in this case. The District Court, relying upon generalized opinion evidence, concluded that a suspended student may suffer psychological injury in one or more of the ways set forth in the margin below.[18] The Court appears to adopt this rationale. See *ante*, at 9.

It hardly need be said that if a student, as a result of a day's suspension, suffers "a blow" to his "self esteem," "feels powerless," views "teachers with resentment," or feels "stigmatized by his teachers," identical psychological harms will flow from many other routine and necessary school decisions. The student who is given a failing grade, who is not promoted, who is excluded from certain extracurricular activities, who is assigned to a school reserved for children of less than average ability, or who is placed in the "vocational" rather than the "college preparatory" track, is unlikely to suffer any less psychological injury than if he were suspended for a day for a relatively minor infraction.[19]

If, as seems apparent, the Court will now require due process procedures whenever such routine school decisions are challenged, the impact upon public education will be serious indeed. The discretion and judgment of federal courts across the land often will be substituted for that of the 50-state legislatures, the 14,000 school boards[20] and the 2,000,000[21] teachers who heretofore have been responsible for the administration of the American public school system. If the Court perceives a rational and analytically sound distinction between the discretionary decision by school authorities to suspend a pupil for a brief period, and the types of discretionary school decisions described above, it would be prudent to articulate it in today's opinion. Otherwise, the federal courts should prepare themselves for a vast new role in society.

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[15] The Court itself recognizes that the requirements it imposes are, "if anything, less than a fair-minded school principal would impose on himself in order to avoid unfair suspensions." *Ante*, at 17.

[16] See *Connelly* v. *U. of Vermont*, 244 F. Supp. 156 (Vt. 1965).

[17] See *Kelly* v. *Metropolitan County Board of Education of Nashville*, 293 F. Supp. 485 (MD Tenn. 1968).

[18] The psychological injuries so perceived were as follows:

"1. The suspension is a blow to the student's self-esteem.

"2. The student feels powerless and helpless.

"3. The student views school authorities and teachers with resentment, suspicion and fear.

"4. The student learns withdrawals as a mode of problem solving.

"5. The student has little perception of the reasons for the suspension. He does not know what offending acts he committed.

"6. The student is stigmatized by his teachers and school administrators as a deviant. They expect the student to be a troublemaker in the future." (Decision of three-judge District Court, Jurisdictional Statement, at 42.)

[19] There is, no doubt, a school of modern psychological or psychiatric persuasion that maintains that any discipline of the young is detrimental. Whatever one may think of the wisdom of this unproved theory, it hardly affords dependable support for a constitutional decision. Moreover, even the theory's proponents would concede that the magnitude of injury depends primarily upon the individual child or teenager. A classroom reprimand by the teacher may be more traumatic to the shy, timid introvert than expulsion would be the aggressive, rebellious extrovert. In my view we tend to lose our sense of perspective and proportion in a case of this kind. For the average, normal child—the vast majority—suspension for a few days is simply *not* a detriment; it is a commonplace occurrence, with some 10% of all students being suspended; it leaves no scars; affects no reputations; indeed, it often may be viewed by the young as a badge of some distinction and a welcome holiday.

[20] This estimate was supplied by the National School Board Association, Washington, D. C.

[21] See U. S. Office of Education, Elementary and Secondary Public School Statistics, 1972-1973.

IV

Not so long ago, state deprivations of the most significant forms of state largesse were not thought to require due process protection on the ground that the deprivation resulted only in the loss of a state provided "benefit." *E. g., Bailey* v. *Richardson*, 182 F. 2d 46 (CADC), aff'd by an equally divided Court, 341 U. S. 918 (1951). In recent years the Court, wisely in my view, has rejected the "wooden distinction between 'rights' and 'privileges,'" *Board of Regents* v. *Roth*, *supra*, 408 U. S., at 571, and looked instead to the significance of the state created or enforced right and to the substantiality of the alleged deprivation. Today's opinion appears to abandon this reasonable approach by holding in effect that government infringement of any interest to which a person is entitled, no matter what the interest or how inconsequential the infringement, requires *constitutional* protection. As it is difficult to think of any less consequential infringement than suspension of a junior high school student for a single day, it is equally difficult to perceive any principled limit to the new reach of procedural due process.[22]

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[22] Some half dozen years ago, the Court extended First Amendment rights under limited circumstances to public school pupils. Mr. Justice Black, dissenting, viewed the decision as ushering in "an entirely new era in which the power to control pupils by the elected 'officials of state-supported public schools . . .' is in ultimate effect transferred to the Supreme Court." *Tinker*, *supra*, at 515. There were some who thought Mr. Justice Black was unduly concerned. But the prophecy of Mr. Justice Black is now being fulfilled. In the few years since *Tinker* there have been literally hundreds of cases by school children alleging violation of their constitutional rights. This flood of litigation, between pupils and school authorities, was triggered by a narrowly written First Amendment case which I could well have joined on its facts. One can only speculate as to the extent to which public education will be disrupted by giving every school child the power to contest in court any decision made by his teacher which arguably infringes the state conferred right to education.

WHAT EVERY TEACHER SHOULD KNOW ABOUT STUDENT RIGHTS

by Eve Cary

nea
National Education Association
Washington, D.C.

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Introduction

Most of the booklets on students rights that I have read are designed primarily to help students better understand their rights. In that respect, this book is different. It is designed to help classroom teachers better understand student rights in the light of recent court decisions. The idea for such a book for teachers came from a group of high school students, officers of the former NEA Student Action Committee, who served as advisers to the Student Project authorized by the NEA Board of Directors in 1973.

While the outline for the content of this book was developed by an NEA staff work team — F. J. Johnson, manager; and Dale Robinson, Boyd Bosma, Alice Cummings, Fred Droz, Mary Faber, Joel Gewirtz, Earl Jones, and Kate Kirkham — the content was prepared by Eve Cary, an attorney who with Diane Divoky assisted Alan Levine in writing the 1973 American Civil Liberties Handbook, *The Rights of Students.*

The reader should keep in mind that this book is by no means either inclusive or conclusive, and that it is primarily a treatment of student rights in court cases. A subsequent document soon to be released will set forth NEA's beliefs about student rights as expressed in official policy statements and resolutions. Those persons needing extensive information about student rights should find the bibliography at the end of the book valuable as a research tool. Please keep in mind that the law is not static. New decisions come down periodically. No doubt some new decisions will come down even before this book is in print.* Therefore, it is not the last word. One thing is clear, however. The courts seem to be underscoring the fact that citizenship in the United States is granted by birth or naturalization as stated in the Constitution, not by a person suddenly becoming 18 or 21 years of age.

We, therefore, believe that new court decisions will add to, rather than take away from, the list of rights enumerated in this document.

—Samuel B. Ethridge, Director
Teacher Rights, National Education Association

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* For example: When this book went to press, federal regulations were released, defining prohibitions against sex bias in education under Title IX of the Education Amendments Act of 1972.

The Right to an Education

Because education today not only provides personal fulfillment but is also virtually the only means of gaining economic and social status, the most basic "student right" is the right to a free education. All children in every state except Mississippi have not only the obligation but the corresponding right to go to a public school for about 10 years. Courts have held the right to an education to be one of those fundamental rights that cannot be denied to any child except for the most serious wrongdoing and then only with strict safe-guards against arbitrariness and unfairness. Although a child may be compelled to go to school until he or she is approximately 16 (state law differs), students have the right to attend school until they are 21.

The right to an education is not just guaranteed to "normal" children. Mentally and physically handicapped children must also be provided with an education appropriate to their needs. If a child is unable to go to regular school, the state has a duty to provide a special education in some manner, whether through supportive services in regular schools, special schools, or tuition grants to enable handicapped children to attend private schools. Lack of sufficient funds is not a legitimate excuse for failure to provide special services for handicapped students. In the words of one federal court:

> If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system, then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit therefrom.[1]

The right to an education has been held by various courts to prohibit the charging of fees by public schools for books, school supplies, transcripts, graduation exercises, and materials used in extra-curricular activities. Most courts have agreed that fees may not be charged for anything that is "an integral fundamental part of the elementary and secondary education."[2] Some courts have held that this applies only to such items as textbooks, while others have recognized the part that extra-curricular activities today play in students' lives and have held that these, too, must be provided free of charge.

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[1] *Mills v. Board of Education of the District of Columbia*, 348 F.Supp. 866 (D.D.C. 1972).

Finally, courts recently have been recognizing that the right to an education means not the right just to sit in school all day, but the right to learn something. Several law suits have been filed attacking the inadequate education provided in various school districts. In particular, courts have begun to require bi-lingual classes for children who do not speak English.[3]

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[2] *Bond v. Ann Arbor School District*, 383 Mich. 693, 178 N.W. 2d 484 (1970).

[3] *Lau v. Nichols*, 414 U.S. 563 (1974); *Serna v. Portales Municipal Schools*, 351 F.Supp. 1279 (D.N. Mex. 1972), *aff'd* 499 F.2d 1147 (10th Cir. 1974).

Due Process

The right to due process of law is guaranteed by the Fourteenth Amendment to the Constitution, not only in criminal cases, but any time the government proposes to deprive a person of an important right or privilege to which he or she is entitled by law.

Although every person is entitled to due process under the law, the stringency of procedural requirements often depends on the seriousness of the loss or punishment that could be imposed as a result of the proceeding. Thus, for example, in criminal cases, in which a guilty verdict could result in a jail sentence, the defendant is entitled to full due process rights, including a written statement of charges, the right to representation by counsel, to summon and cross-examine witnesses, and to appeal an adverse decision.

The law has been well-established for some years that the right to an education is a property right that cannot be arbitrarily withheld. Courts have disagreed, however, on the degree of due process to which a student is entitled before he or she is suspended from school. Recently, the Supreme Court issued its first opinion in the area of students' due process rights which settles at least some of the disagreement.

Goss v. *Lopez*, 95 S.Ct. 729 (1975), involved the suspension of several high school students for up to 10 days without a prior hearing. The Supreme Court held that the damage to a student's educational opportunities and reputation caused by a ten-day suspension was severe enough to require due process before it could be imposed. The Court said:

> The prospect of imposing elaborate hearing requirements in every suspension case is viewed with great concern, and many school authorities may well prefer the untrammeled power to act unilaterally, unhampered by rules about notice and hearing. But it would be a strange disciplinary system in an educational institution if no communication was sought by the disciplinarian with the student in an effort to inform him of his defalcation and to let him tell his side of the story in order to make sure that an injustice is not done. [F]airness can rarely be obtained by secret, one-sided determination of the facts decisive of rights . . . Secrecy is not congenial to truth-seeking and self-righteous- 9

> ness gives too slender an assurance of rightness. No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it.

The Court went on to hold that before a student may be suspended for up to 10 days, he or she is entitled to oral or written notice of the charges and, if denied them, an explanation of the evidence in the possession of the authorities and an opportunity to present his or her side of the story. Except where the student's presence in the school presents a clear and present danger, the notice and hearing should preceed the suspension.

The Court stressed that its decision was addressed "to the short suspension, not exceeding 10 days. Longer suspensions or expulsions for the remainder of the school term, or permanently, may require more formal procedures . . . [and] in unusual situations, although involving only a short suspension, something more than the rudimentary procedures will be required."

With respect to the appropriate remedy for students denied constitutional rights, the Supreme Court in *Wood* v. *Strickland*, 95, S. Ct. 992 (1975), held that school officials who discipline students unfairly cannot defend themselves against civil rights suits by claiming ignorance of pupils' basic constitutional rights. By a 5-4 vote, the Court further ruled that a school board member may be personally liable for damages "if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the student effected, or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury to the student."

What Does *in loco parentis* Mean Today?

The concept of the school standing in place of the parent in relation to the pupil arose in a day when parents turned their children over to a tutor who supervised not only their academic education but their moral development as well. The tutor usually lived with the family and virtually took over the job of raising the child.

In the context of modern education, courts are becoming increasingly skeptical of the argument that school officials who have only a limited acquaintance with their students are empowered to act *in loco parentis.*

This modern view has been clearly expressed by the Ohio Department of Education:

> . . . To stand in loco parentis, one must assume the full duties, responsibilities and obligations of a parent toward a minor. School teachers and administrators obviously do not support the children in their care, nor do they provide most of the tangible and intangible necessities and securities that the child finds in his home. In fact, school authorities stand in loco parentis only to the extent that they may act somewhat like a parent does only some of the time for the purpose of maintaining order in the educational system. No one would saddle school authorities with the full duties of parents to care for their children until the end of minority. Thus it is misleading to term one narrow function of the school — that is, the disciplinary function — as being a function totally representative of the in loco parentis concept. In loco parentis should not, then, be the basis for defining parent-school relationships.[1]

Teachers can feel safe, therefore, in adopting the position of the New York State Department of Education that "the school and all its officers and employees stand *in loco parentis* only for the purpose of educating the child."[2] Thus, anything that is necessary to the process of education is in the power of the teacher, while other matters, such as supervising the student's social life, personal appearance, manners, etc. except as they directly relate to the educational process cannot be justified by the *in loco parentis* doctrine.[3]

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[1] *Rights and Responsibilities: Administrative Guidelines,* Division of Urban Education, Ohio Department of Education, Columbus, Ohio 1971.

[2] Formal Opinion of Counsel No. 91, 1 Education Department Reports 800 (1959).

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[3] See generally, *Wesley* v. *Rossi*, 305 F. Supp. 706 (D. Minn. 1969): "Regulation of conduct by school authorities must bear a reasonable basis to the ordinary conduct of the school curriculum or to carrying out the responsibility of the school."

Personal Appearance

Hair

Whether school officials may require male students to get haircuts is the single most litigated student rights issue and the one over which courts disagree most. Federal courts in every circuit have issued rulings in long-hair cases and although half have found such regulations to be unconstitutional, the other half have upheld them. The Supreme Court has declined to hear a long-hair case.

The answer to the question whether school officials may require hair cuts, therefore, is that it depends what state you are in.

In the following states, long-hair rules have been declared unconstitutional (even if promulgated or adopted by the student body) unless school officials can show a rational relationship between the rules and a legitimate educational purpose:

Arkansas
Connecticut
Delaware
Idaho
Illinois
Indiana
Iowa
Maine
Massachusetts
Minnesota
Missouri
Nebraska
New Hampshire
New Jersey
New York
North Dakota
Pennsylvania
Rhode Island
South Carolina
South Dakota
Vermont
Virginia
West Virginia
Wisconsin

See, *Richards* v. *Thurston,* 304 F. Supp. 449 (D. Mass. 1969), *aff'd* 424 F.2d 1281 (1st Cir. 1970).

School officials are permitted (although certainly not required) to regulate the length of students' hair in:

Alabama
Alaska
Arizona
California
Colorado
Florida
Georgia
Hawaii
Kansas
Kentucky
Louisiana
Michigan
Mississippi
Montana
Nevada
New Mexico
Ohio
Oklahoma
Oregon
Tennessee
Texas
Utah
Washington
Wyoming

Dress

The rulings controlling long hair also govern student dress codes, although some courts have indicated that in their opinion forcing a male student to cut his hair is a greater infringement of his liberty than requiring him to change his clothes.

Athletics and Extra-Curricular Activities

Again, where courts have struck down dress and hair-length regulations as requirements for school attendance, they have also refused to uphold them as requirements for participation on athletic teams or in extra-curricular activities, unless the school can prove that the hair or dress interfered with the student's ability to play the sport or perform the activity. See, *Long* v. *Zopp,* 476 F.2d 180 (4th Circuit, 1973).

Marriage

The right to marry has for many years been held to be a fundamental right which may not be abridged unless there is a compelling state interest in doing so. Therefore, students may not be prohibited from attending school or from participating in extra-curricular activities simply because they are married, for this would place on them the unconstitutional burden of having to choose between two fundamental constitutional rights — the right to an education and the right to marry.[1]

Although there are cases upholding a school's right to expel pregnant students (usually on the grounds that the sight of a pregnant girl — especially if she is unmarried — will be a corrupting influence on other students) the modern judicial trend is in the opposite direction, regardless of whether the student is married.

An example of this view was the decision of a Massachusetts federal court which ordered the reinstatement of a pregnant student on finding that the school officials had not met their burden of showing a "likelihood that her presence would cause any disruption of or interference with school activities or pose a threat to others."[2] This reasoning would also support the right of a pregnant student to participate in extra-curricular activities.

Similarly, students (married or not) with children may not be prohibited from attending school[3] or participating in extra-curricular activities.[4]

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[1] *Anderson v. Canyon Ind. School District*, 412 S.W.2d 387 (Tex. Ct. Civ. App. 1967).

[2] *Ordway v. Hargraves*, 323 F. Supp. 1155 (D. Mass. 1971).

[3] *Perry v. Grenada Municipal Separate School District*, 300 F. Supp. 748 (N.D. Miss. 1972).

[4] *Holt v. Shelton*, 341 F. Supp. 821 (M.D. Tenn. 1972).

Corporal Punishment

The use of excessive physical force by school officials on students is illegal, and both state and federal courts have held that a student can sue for money damages a teacher who injures him or her in the course of administering corporal punishment, even though the use of some physical force is legal in that state.[1]

Although many states have laws prohibiting it, no federal court has yet held that corporal punishment is cruel and unusual *per se* if it is "moderate" and administered with some sort of due process procedures to make sure that the student is in fact guilty of misbehavior.[2] Some courts have held that school officials may not use corporal punishment on a student if the child's parents notify the school that they do not wish it, as this would interfere with the parents' right to raise their child as they see fit.[3]

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[1] *City of Macomb v. Gould*, 299 N.E.2d 634, 109 Ill. App.2d 361 (1969); *Patton v. Bennett*, 304 F. Supp. 297 (E.D. Tenn. 1969).

[2] *Ingraham v. Wright*, 498 F.2d 248 (5th Cir. 1974).

[3] *Glaser v. Marietta*, 351 F. Supp. 555 (W.D. Pa. 1972).

Grades and Diplomas

While courts will not review whether a student deserved a particular grade for her or his work based on its quality, they have held that grades may not be lowered or diplomas denied for non-academic reasons. Grades may measure only academic and not social performance.[1]

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[1] *Woody v. Burns*, 188 So.2d 56 (Dist. Ct. App. Fla. 1966).

Punishment for Off-Campus Activity

The law is relatively clear that school officials have no power to punish students for off-campus behavior except in cases of serious criminal acts. Federal courts have, however, upheld a school policy of expelling students for the "using, selling or possessing of dangerous drugs."[1] Since an arrest is only an accusation and not a conviction, however, some Commissioners of Education have ruled that suspension on the basis of an arrest alone is illegal.[2]

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[1] *Caldwell v. Cannady*, 340 F.Supp. 835 (N.D. Texas, 1972).

[2] *Matter of Rodriguez*, 8 N.Y.S. Ed. Dept. Rept. 214 (1969).

Law Enforcement

Questioning by Police

Students have the same right to remain silent in school as they have out of school and may not be required to answer questions by the police. There have been no court cases on the subject of whether school officials may permit such questioning to take place in school, and few states have laws or an official policy governing the situation. The New York State Department of Education has issued a ruling stating that

> police authorities have no power to interview children in the school building or to use school facilities in connection with police department work, and the board has no right to make children available for such purposes.[1] Police who wish to speak to a student must take the matter up directly with the student's parents.

The Delaware Department of Public Instruction did the next best thing to prohibiting police interviews by establishing guidelines to govern them. These are:

> a. The parents should be notified of the request before the questioning whenever possible;
>
> b. The student should be apprised of the reasons for the questioning and of her/his legal rights;
>
> c. The principal or her/his designated representative should be present during the questioning session;
>
> d. The procedural aspect of due process should be observed.[2]

Searches

Although an increasing number of cases will no doubt be brought to challenge searches of students' desks and lockers, the few courts that have considered the question have held that school officials may search students' desks and lockers and may permit the police to do so. The reasoning behind these decisions has been that a school retains control over desks and lockers and simply lends them to the students, who have no reasonable expectation that these are private places. The National Association of Secondary School Principals, however, has cautioned its members against

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[1] Formal Opinion of Counsel No. 67, 1 New York State Educational Department Reports 766 (1952).

[2] Delaware State Police Guide for School Administrators, approved November 17, 1972.

> any such searchings [of a student's person, desk or locker] except under extreme circumstances, unless permission to do so has been freely given by the student, the student is present, and other competent witnesses are on hand.[3]

An Ohio school administrator's guideline to student rights suggested that locker searches be made without a warrant or student consent only in cases of "imminent danger or harm."[4]

The right of school officials to search students' persons is more limited than their right to search desks and lockers, although no court that has considered the issue has yet been willing to hold that a student's Fourth Amendment right to be free of unlawful search and seizure in school is as broad as that of a member of the general public in the street. In determining whether a search was lawful (and concluding that it was not), the New York State Court of Appeals stated:

> Among the factors to be considered in determining the sufficiency of cause to search a student are the child's age, history and record in the school, the prevalence and seriousness of the problem in the school to which the search was directed and, of course, the exigency to make the search without delay.
>
> Quite material would be observation of the student to be searched over a sufficient period, whether hours, days or longer, which suggests, at least, more than an equivocal suspicion that he is engaged in dangerous activities.[5]

The Court went on to stress that school officials should take great care to protect a student's rights when deciding to search him, first because a search could lead to a criminal prosecution and second because "psychological damage . . . would be risked on sensitive children by random search insufficiently justified. . . ."

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[3] Ackerly, *The Reasonable Exercise of Authority*, National Association of Secondary School Principals (1969).

[4] *Rights and Responsibilities: Administrative Guidelines*, Division of Urban Education, Ohio Department of Education, Columbus, Ohio (1971).

[5] *People* v. *Duka*, July 10, 1974, New York State Court of Appeals.

Still more limited is the use that can be made of off-campus searches of students. In a case involving the warrentless search of two high school boys off campus, which resulted in their expulsion from school for possession of marijuana, a Texas federal court held that students are entitled to Fourth Amendment rights off campus. The court ruled that because the search had been illegal, the marijuana that had been found could not be used as evidence against the students in a school disciplinary proceeding any more than it could be in a criminal prosecution.[6]

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[6] *Caldwell v. Cannady*, 340 F.Supp. 835 (N.D. Texas, 1972).

Discrimination

Race Discrimination

Race discrimination has been prohibited in public schools since 1954 when the Supreme Court ruled in *Brown* v. *Board of Education** that separate schools for children of different races were by definition unequal.

Since then, hundreds of cases challenging different aspects of race discrimination in school—de facto segregation, racial imbalance, busing, freedom of choice, token integration, housing patterns, use of public moneys, tracking and classification—have gone to the courts and most decisions have clarified or extended the right of students to integrated schooling. A detailed discussion of these cases, however, is beyond the scope of this section.

It should be pointed out that Title VI of the Civil Rights Act of 1964 prohibits discrimination against students on the ground of race, color, or national origin in federally assisted programs. The U.S. Department of Health, Education and Welfare's Office for Civil Rights enforces Title VI compliance.

Sex Discrimination

Title IX of the Education Amendments of 1972, 200 S.C. Sections 1681-1686, prohibits discrimination in education on the basis of sex in programs or activities receiving federal assistance. The Department of Health, Education, and Welfare has drafted regulations outlining precisely which practices will be considered discriminatory. Title IX is administered by the Office for Civil Rights of the Department of Health, Education and Welfare.

While several suits have already been brought alleging sex discrimination in education under the Fourteenth Amendment, the specific prohibitions of Title IX may obviate the need for female students to go to court to achieve equity in the schools. The regulations specify prohibited practices in admissions to professional, public undergraduate, graduate, and vocational schools; treatment of students at all levels; and employment. Schools and colleges must conduct an "institutional self-review" of existing programs and take steps to remedy the effects of sex bias. Among prohibited practices are offering single-sex classes, except for physical education activities involving physical contact and sex education; discriminating in counseling materials and providing sex-restrictive vocational education; having inequities in financial aid and in facilities, such as housing; treating pregnant students differentially. More complete information is available from NEA Teacher Rights.

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* 347 U.S. 483 (1954).

One-Sex Schools. Although no court has yet held that all-male or all-female schools are *per se* unconstitutional, at least one court has held that if a school offers a curriculum that may not be obtained elsewhere, it must admit members of both sexes. The fact that an institution may be a technical school, and that more males than females have in the past become engineers, is not a legally acceptable reason for excluding women or for taking a higher proportion of male applicants than female.[1]

Quotas. One federal court has held that public schools may not set fixed quotas of male and female students. Rather, all applicants must be measured against each other regardless of sex and those with the highest qualifications be taken.[2]

Sex-Segregated Courses. Several federal courts have ruled that courses in public schools (*e.g.*, shop and home economics) cannot be limited to one sex and many states have laws prohibiting one-sex classes.[3]

Athletics. Failure of public schools to provide equal athletic programs for girls has been the most-litigated sex-discrimination issue in the field of education.

The question that has been most frequently raised is whether qualified girls may compete on boys' athletic teams. The answers given by various courts have depended largely on whether the sport was a contact sport and whether the school had a girls' team for the same sport. In either case courts have found the exclusion of girls from boys' teams to be constitutionally permissible. However, where no girls' team has existed to play a non-contact sport, courts have held that qualified girls must be permitted to play against boys rather than be totally prevented from playing at all.[4] Whether boys who do not make the boys' team can then demand to play on the girls' team has not yet been litigated.

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[1] *Kirstein v. Rector and Visitors of University of Virginia,* 309 F.Supp. 184 (E.D. Va. 1970).

[2] *Bray v. Lee,* 337 F.Supp. 934 (D. Mass. 1972).

[3] *Sanchez v. Baron,* Civ. No. 69 C 1615 (E.D.N.Y., March 22, 1973).

[4] *Brenden v. Ind. School Dist.* 477 F.2d 1292 (8th Cir. 1973).

Another important question is whether a public school may spend more money on boys' sports than on girls'. The answer to this will no doubt be provided by Title IX which will probably require equality of facilities, instruction, etc., for girls. A case brought under the Fourteenth Amendment raising this issue is now pending before a New York federal court.[5]

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[5] *Purdy* v. *Lane*, 73 Civ. 257 (N.D.N.Y.)

School Records

Until passage by Congress of the so-called Buckley Amendment (P.L. 93-380 as amended by P.L. 93-568) effective November 19, 1974, the law regarding the privacy of student records was extremely unclear. The new law has hopefully ended the confusion by requiring educational agencies and institutions which receive federal funds through the U.S. Office of Education to comply with the new privacy requirements or face loss of those funds. The law provides, in part, as follows:

General Provisions:

1. No funds shall be made available under any applicable program unless the recipient of such funds informs the parents of students, or the students, if they are 18 years of age or older, of the rights accorded them by the statute.
2. For the purposes of the statute, whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the permission or consent required of the parent shall thereafter only be required of and accorded to the student.

Right of Access and to a Hearing:

1. No funds shall be made available to any educational institution which has a policy of denying, or which effectively prevents the parents of students under 18 from exercising, the right to inspect and review official school records, files, and data directly related to their children, with some minor exceptions, such as certain law enforcement records. Each school must establish procedures for the granting of a request by parents for access to their child's school records within a reasonable period of time, but in no case more than 45 days after the request has been made.
2. Parents shall have an opportunity for a hearing to challenge the content of their child's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Conditions for the Release of Personal Data:

(1) No funds shall be made available to any school which has a policy of permitting the release of records or files (or personal information contained therein) of students without the written consent of their parents to any individual, agency, or organization, other than the following:

(a) other local school officials, including teachers within the educational institution or local educational agency who have legitimate educational interests;

(b) to officials of other schools or school systems in which the student intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.

(2) No funds shall be made available to any school which has a policy or practice of furnishing, in any form, any information contained in personal school records, to any persons other than those listed above, unless

(a) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(b) the information is furnished in compliance with judicial order, or pursuant to subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.

(3) In any case in which the Secretary of Health, Education, and Welfare or an administrative head of an educational agency is authorized to request any state or local educational agency to submit to a third party any data from personal statistics or records of students, such data shall not include the names of students or their parents, except

(a) in connection with a student's application for financial aid;

(b) in compliance with any court order, or pursuant to any lawfully issued subpoena, if the parents and students are notified of any such order in advance of compliance.

(4) All persons, agencies or organizations desiring access to the records of a student shall be required to sign a written form

which shall be kept permanently with the file of the student, but only for inspection by the parents or student, indicating specifically the legitimate educational or other interest that each person, agency, or organization has in seeking this information. Such form shall be available to parents and to the school official responsible for record maintenance as a means of auditing the operation of the system.

Personal information shall only be transferred to a third party on the condition that such party will not permit anyone else to have access to it without the written consent of the parents of the student.

Protection of Personal Data:

The Secretary of HEW shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities.

Freedom of Expression

The most important statement of the right of students to free expression was made by the Supreme Court in 1969 in the case of *Tinker v. Des Moines Independent School District*.[1] The case specifically upheld the right of students to wear anti-war armbands in school, but the reasoning behind the decision may be applied to every form of student expression, and to other areas of student rights as well. In *Tinker*, the Court held that "[t]he Constitution does not stop at the public school doors like a puppy waiting for his master, but instead it follows the student through the corridors into the classroom, and onto the athletic field." The Court went on to outline the guidelines for determining whether a particular form of expression is permissible in school. The standard the Court laid down generally guarantees that all student expression is protected as long as it does not "materially and substantially" disrupt the process of education. The Court further held that prohibition of a particular form of expression is not justified by the mere "undifferentiated fear" of disruption, but only by specific evidence in a particular situation which would cause a reasonable person to believe that disruption will be lkely to occur. The Court pointed out:

> in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom or on the campus, that deviates from the views of another person, may start an argument or cause a disturbance. But our Constitution says we must take the risk.

Thus, students have a right to express their views even if those views are offensive and cause others to become angry and disruptive.

Armbands and Insignia. The Supreme Court's ruling in *Tinker* protects the right of students to wear armbands, buttons, and other insignia to school, even if such insignia are controversial. There are exceptions, but these are rare. In one case, a court upheld a ban on buttons because students had been wear-

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[1] 393 U.S. 503 (1969).

ing racially inflammatory buttons that had caused tensions and disruptions in the school.[2] However, buttons rarely disrupt any legitimate school activities[3] and must be permitted even though others might find the message offensive, unless there is some unusual situation in the school, such as a recent racial disturbance, that makes the possibility of disruption caused by the button likely and not simply possible.

School Newspapers: Content. Even if a school pays for a student newspaper, it may not censor its contents if the newspaper has in the past been a forum for the expression of student views unless it can be proven that the paper will cause material and substantial disruption. School officials may not prevent the publication of an article because it criticises school policies or officials or faculty, or is too controversial. Courts have disagreed on whether an article may be censored if it advises students to engage in illegal activity or to disobey a school rule. The rule, once again, is whether school officials can produce concrete evidence that a given article is likely "materially and substantially" to disrupt the school. It should be stressed that such evidence is not easy to produce. The standard is very strict and, just as in non-school situations, it is very rare that the extreme remedy of censorship is justified.

Following are some examples of how courts have applied the *Tinker* test to school newspapers. In one case a court held that a student publication containing an article saying that the dean had a "sick mind" could not be censored. The court found the remark "disrespectful and tasteless" but held it did not justify suppression.[4] The article went on to urge students to throw away some materials given them by the school staff to take to their parents. The court held, however, that the article still could not be suppressed because the students were not rallying their classmates and preparing them for immediate action to disrupt the school. Another court found unconstitutional a school board policy prohibiting distribution of any publication that advocated illegal actions, or was grossly insulting to any group or individual.[5]

School officials are often overly concerned about the problems of libel and obscenity in school publications. (Clearly, a school cannot be held responsible for anything written in a student publication that is not sponsored by the school.) The concern is misplaced because to be libelous or obscene a paper must meet various very strict legal tests, which it is highly unlikely any student paper could do.

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[2] *Guzick v. Drebus*, 431 F.2d 594 (6th Cir. 1970) cert den. 401 U.S. 948.

[3] *Burnside v. Byars*, 363 F.2d 744 (5th Cir. 1966).

[4] *Scoville v. Board of Education of Joliet Township*, 425 F.2d 10 (7th Cir. 1970).

[5] *Baughman v. Freienmuth*, 478 F.2d 1345 (4th Cir. 1973).

Libel is printing something one knows, or should know, is not true in an attempt to injure a person's reputation. Nothing that is true can be libelous, nor can one be sued for libel if he has good reason to believe what he prints, even if it can't be proven and later turns out to be false. A person libeled can sue for monetary damages. Simply saying something unkind about another person is not libel.

The law of obscenity is the same for school papers as for any other literature to which minors have access.

Under recent Supreme Court decisions, "obscenity" (when dealing with minors) refers to literature about sex that:

(1) predominantly appeals to prurient shameful interests of minors; and

(2) patently offends community standards regarding suitable sexual materials for minors; and

(3) taken as a whole lacks serious literary, artistic, political, or scientific value for minors.

The mere use of dirty words is not obscenity. This standard was outlined by a federal court in New York in a case involving the censorship of a student publication because a story contained "four letter words as part of the vocabulary of an adolescent and . . . a description of a movie scene where a couple 'fell into bed'." The court found that the dialogue was the kind "heard repeatedly by those who walk the streets of our cities, use public conveyances, and deal with youth in an open manner," and thus held that the publication could not be banned because "constitutionally permissible censorship based on obscenity must be premised on a rational finding of harmfulness to the group [to whom the material is directed or withheld]."[6]

In short, if an article in a student paper is similar to literature to which students have access elsewhere, it cannot be banned, even if offensive to some people. Nor can "controversial" literature be censored under normal circumstances, even if all sides of the controversy are banned equally."[7]

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[6] *Koppell v. Levine*, 347 F.Supp. 456 (E.D.N.Y. 1972).

[7] *Sanders v. Martin*, 72 Civil 1398 (E.D.N.Y. November 21, 1972).

School Newspapers: Prior Restraint

Since the courts are agreed that student publications may be banned if there is proof that they are likely to cause "material and substantial disruption" the next question courts have had to deal with is when that determination may be made. Two federal appellate courts have held that no prior restraint is permissible and that school officials may not require students to show them their publications before distributing them.[8]

Other courts have allowed school officials to review student publications before they are distributed as long as there are clear procedural rules stating precisely what must be submitted and to whom, and setting a very short limit on the length of time the school official may take to reach his decision (e.g., one day).[9] This issue is now pending before the Supreme Court.

Student Newspapers: Distribution

The law is clear in school, as it is out of school, that the state may establish reasonable regulations concerning the time, place, and manner of distribution of literature. What regulations are reasonable depends on the situation. In a school context, once again, the test is whether distribution of literature materially and substantially disrupts school activities. Minor disruptions accompanying distribution of literature (including student newspapers, underground newspapers, and leaflets) must be tolerated and if more major disruptions occur, the problem must be remedied by a change in the distribution procedure and not by banning or confiscating the literature.

How literature may be distributed varies from school to school depending on the size of the plant, the schedule of classes, etc., but not only has a blanket rule against distributing literature anywhere in a school been held illegal,[10] so has a rule restricting distribution to a time and place that would prevent most students from getting the literature. As one court said:

> [B]y excluding the period when the vast majority of the desired audience will be present and available for communication, the restraint is in effect a prohibition. The

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[8] *Riseman v. School Committee of Quincy*, 439 F.2d 148 (1st Cir. 1971); *Fujishima v. Board of Education*, 460 F.2d 1355 (7th Cir. 1972).

[9] *Eisner v. Stamford Board of Education*, 440 F.2d 803 (2nd Cir. 1971).

[10] *Riseman v. School Committee of Quincy*, *supra*.

First Amendment includes the right to receive as well as to disseminate information.[11]

Similarly, distribution of leaflets may not be prohibited because students are dropping leaflets on the floor, although the students distributing them may be required to clean up afterwards.

Student Newspapers: Outside Publications; Sale

The fact that money is charged for a publication does not deprive it of First Amendment protection. In two cases in which courts upheld the right of students to distribute underground newspapers on school property, the papers were either sold or contributions were solicited.[12]

Use of School Facilities

A school does not have to permit students to use its facilities (e.g., loudspeakers, mimeograph machines, school assemblies) to express their views (although the best rule is probably to apply the material and substantial disruption test to use of such facilities). However, if school facilities are made availabe to one group, they must be made available to others.[13]

After-School Clubs

Students have the right to form after-school clubs under the First Amendment guarantee of free association. School officials may not prohibit students from forming clubs with dissident points of view or deny them the rights or privileges given to other school clubs. Likewise, such a club may not be prohibited from inviting a particular speaker because his or her views are controversial unless "clear and convincing evidence" can be presented that the speech is likely to create disorder in the school.[14]

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[11] *Rowe* v. *Campbell Union High School District*, Civil No. 51060 (N.D. Cal. September 9, 1970) (three-judge court).

[12] *Scoville v. Board of Education of Joliet Township*, 425 F.2d 10 (7th Cir. 1970).

Sullivan v. *Houston Independent School Dist.*, 307 F.Supp. 1328 (S.D. Tex. 1969).

[13] *Bonner-Lyons* v. *School Committee of Boston*, No. 73-1150 (1st Cir. June 29, 1973).

[14] *Molpus* v. *Fortune*, 432 F.2d 916 (5th Cir. 1970).

Sit-ins and Demonstrations

Although the First Amendment protects peaceful assembly, most courts that have dealt with student sit-ins and demonstrations have prohibited them on the grounds that they disrupted the school. The clearest statement on the subject, however, was made by a Pennsylvania court which stated that a demonstration could be considered disruptive only based on the behavior of its participants and not simply because it was indoors or because other students gathered in the halls to watch or because school administrators had to be taken from their duties to watch.[15]

A South Carolina court held that a school campus was a proper place for students to assemble for "peaceful expression" of grievances against school policies and struck down a blanket rule banning all demonstrations without regard to how orderly and peaceful they were.[16]

Flag Salute

The Supreme Court in *West Virginia Board of Education* v. *Barnette*, 310 U.S. 624 (1943), upholding the right of Jehovah's Witnesses to refuse to salute the flag, said:

> No official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein.

Although *Barnette* dealt with the right to refuse to salute the flag on religious grounds, later courts have applied the same reasoning to permit students to remain silently seated during the flag salute for political or other conscientious reasons, realizing that simply standing is a sign of respect that a student may not be forced to show.[17] As long as a student is not disruptive, he or she cannot be required to participate in the pledge or to stand or leave the room during it, nor can he or she be required to obtain parental permission in order to remain standing. This is true even if other students follow the dissident student's example for, in the words of the Supreme Court,

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[15] *Gebert* v. *Hoffman*, 336 F. Supp. 699 (E.D. Pa. 1972).

[16] *Hammond* v. *So. Carolina State College*, 272 F. Supp. 947 (D.S.C. 1967).

[17] *Goetz* v. *Ansell*, 477 F.2d 636 (2d Cir. 1973).

"The First Amendment protects successful as well as ineffective protest."

Religious Exercises

The Supreme Court has held that school prayers and ritual Bible readings violate students' First Amendment right to freedom of religion, even if the prayers are non-denominational[18] and students are excused from attending them.[19] "Released time" programs which allow students to leave school during the day for religious instruction have been found constitutional as long as students are not pressured to participate and the educational program of non-participating students is not disrupted.[20]

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[18] *Engel* v. *Vitale*, 370 U.S. 421 (1962).

[19] *Abington School District* v. *Schempp*, 374 U.S. 203 (1963).

[20] *Zorach* v. *Clauson*, 343 U.S. 306 (1952)

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Code of Student Rights and Responsibilities. Book. Explores the rights and responsibilities of students and the causes of student unrest; develops a definitive statement on student rights and responsibilities; designs action programs to ensure that the basic rights of students are not jeopardized.

Compulsory Education Task Force Report. Urges exploration of the alternate and free school concepts as well as continuation of the compulsory education law.

Controlling Classroom Misbehavior. Color filmstrip with record narration and leader's guide that emphasizes that the best control device is the teacher's expertness — understanding of subject matter and adding interest and enthusiasm to learning.

Corporal Punishment Task Force Report. Discusses the use and effect of alternatives to and a model law regarding corporal punishment.

Discipline in the Classroom. Selected articles from *Today's Education,* the NEA journal.

Future Issues in Rights Enforcement. Cassette tape by former Attorney General Ramsey Clark.

How To Build Better Courts. Package of 20 leaflets containing advice from Chief Justice Warren E. Berger.

It's Your Right: The Law Says . . . Color filmstrip with record narration and leader's guide. Designed for classroom use, it considers the rights one has, what an arrest can do to those rights, and actions parents may take when their children are arrested.

Rebels and Causes in the School. Package of 30 pamphlets dealing with the causes of student unrest and what schools and parents can do.

Restoring Confidence in Justice. Package of 10 pamphlets containing excerpts from former Attorney General Elliot L. Richardson's address to the American Bar Association.

The Rights of Teachers. Book by David Rubin, deputy general counsel of NEA, that gives valuable insights into the extent of teachers' rights.

Student Displacement/Exclusion: Violations of Civil and Human Rights. Report of the Eleventh National Conference on Civil and Human Rights in Education.

What Teachers Should Know About Student Rights. Booklet that provides information concerning what the law says about the right to an education, *in loco parentis,* personal appearance, punishment, discrimination, school records, and due process. Based on the American Civil Liberties Handbook, *The Rights of Students.*

Your Child and the Law. Package of 30 booklets giving parents advice on how to help a child in trouble with the law, what to look for in a lawyer, and how to give proper emotional support. Includes a state-by-state summary of penalties for the possession of marijuana.

Youth and the Law. Cassette tape containing students-and-lawyer discussion about the concerns of today's young people (grades 7 through college) in relation to our legal system.

PART 4—ALTERNATIVE PROGRAM DIRECTORY

ALTERNATIVE PROGRAMS IN THE PHILADELPHIA PUBLIC SCHOOLS

1975

Division of Alternative Programs
The School District of Philadelphia
Room 208, Administration Building
Parkway at Twenty-first Street
Philadelphia, Pennsylvania 19103

INTRODUCTION

> *"We must educate people in what nobody knew yesterday and prepare people . . . for what no one knows yet, but which some people must know tomorrow."*
>
> *—Margaret Meade*

Society has experienced changes in the past decade which have demanded a reassessment of educational priorities. Alternative programs of education evolved as a result of such a reassessment by Superintendent of Schools, Dr. Matthew W. Costanzo, and the Philadelphia Board of Education in 1972. With the apparent success of these programs, it has become increasingly evident that there must be more fundamental shifts in the structure of educational options in order to help young people deal with the kind of world in which they will be living. Alternative programs have been developed locally to encourage the continuation of education by tailoring learning conditions to meet individual student needs and interests. Recognizing that different students learn better in different types of schools, alternatives stress variety rather than uniformity. As an alternative, a program must provide alternative approaches to teaching and learning in core subjects and develop an approach which is significantly different from that of conventional programs. These Alternative programs are not supplementary to any other program. They represent a restructuring of a student's learning experience. Alternatives may incorporate components of:

academic remediation
career education
work-study internships
open classrooms
academically talented programs
special interest programs

Academic components of alternative programs curricula provide students with the same basic skills content they would receive in a conventional program. In addition, alternative programs stress individual goal definition and cooperative working environments through problem-solving and communication skills.

Alternative objectives in methodology stress the exploration and implementation of non-traditional approaches to teaching which include:

team teaching
individualized instruction
small group instruction
computer programming
creative dramatics, media approaches
modular learning units

Student participation in the decision making process is fundamental to alternative programs. Success and support depend on this to a large extent since a program is then accountable to its own constituent body.

Restructuring the learning environment to provide a reinforcing, non-threatening atmosphere which emphasizes group interaction is fundamental to all alternative programs. This enables:

1. more individualized curriculum
2. flexibility - to focus on student interest, encourage individualization and to grant credit based on competence and demonstrated experience
3. a variety of school and community resources to be available for learning experiences including exposure to other classes and educational institutions, commercial establishments, civic and cultural events and organizations, and to interact with people with whom they would not ordinarily come in contact
4. the use of a variety of media to discover themselves and interact with others
5. more personalized interaction - providing informal peer and teacher counseling, formal counseling, and counseling referral
6. the student to share in the responsibility and definition of his educational goals

The Alternative Programs Office (APO) coordinates and provides support for all alternative programs by:

1. assisting in program implementation and development and budget planning
2. serving as a liaison between alternative programs and district and central administration
3. providing staff training through a variety of both on-going and specialized seminars and laboratory situations
4. assisting in goal definition evaluation and feedback development for program improvement
5. disseminating information about innovative techniques, both internally and externally
6. developing a continuing network of alternatives, which represent mutually supportive educational options extending from kindergarten to twelfth grade will succeed for those students for whom they are designed.

Currently, there are over 120 alternative programs in operation in the School District of Philadelphia. These programs extend from kindergarten to twelfth grade. Approximately 10,000 pupils are directly involved in exploring the options available through alternative programs.

Each Alternative stimulates new ideas. New ideas give birth to new educational philosophies and each new approach paves the way for a new educational alternative. Hence, the number and scope of alternatives in Philadelphia continue to grow.

ALTERNATIVE PROGRAMS FOR ELEMENTARY SCHOOLS

●BACHE ELEMENTARY SCHOOL
22nd and Brown Streets
District 2
Phone: PO 5-2114
Principal: Cedric Carter
Coordinator: Ann Sutherland

This program incorporates both affective and cognitive areas, emphasizing communication and the inter-relationship between student and teacher. Experiences are designed to generate a climate conducive to greater freedom of choice, action, and participation. All of this is done in an effort to bridge the gap between the individual and the educational environment and thus break the pattern of school failure for these children. Activities include audio-visual materials, trips, speakers, and discussions focusing on basic skills, family living, and career education. A counseling component is integral to the program.

●BARTON ELEMENTARY SCHOOL
"B" and Wyoming Streets
District 7
Phone: GL 5-1820
Principal: William Wingel
Coordinator: Judy Zalkin

Affective and behavioral approaches to education are used in this program for 25 fourth, fifth and sixth graders who are characterized as under-achieving and reluctant learners. It concentrates on the development of the individual and his self image, while providing the structure that the individual needs for growth within a behavior modification program.

Visual literacy with its integrant role of multi-media is the major focus of this program. The development of both language arts and arithmetic skills are facilitated by the motivating influence of the media. The organization, preparation, production and presentation of media materials provide active educational experiences through which the students learn and strengthen language arts and arithmetic skills.

●BROWN SCHOOL
Sergeant & Jasper Streets
District 5
Phone: RE 9-9360
Principal: Marvin Goldenberg
Coordinator: David Herman

THE META CLASS

This program focuses on developing reading and math skills of children who are truant and who exhibit a variety of discipline problems. An open classroom approach is used to discover student interest and to develop academic and crafts projects. Academic skills are introduced in the framework of the student projects, from which individually prescribed math and reading programs are evolved.

●DECATUR ELEMENTARY SCHOOL
Academy and Torrey Roads
District 8
Phone: NE 2-0212
Principal: Robert M. Stewart
Coordinator: Concetta Belzer

This program contains 20 fourth and fifth grade students who have been identified as progressively alienated and underachievers.

The program deals with the affective and cognitive areas of learning using an open classroom setting which provides children with a wide variety of activities. The use of innovative materials and techniques are utilized.

Activities include creative dramatics, tactile activities, individually prescribed lessons and guest speakers and trips to promote career education.

An important component in this program is the social and psychological therapy provided by both the counselor and community mental health agencies.

● DICK SCHOOL
25th & Diamond Streets
District 1
Phone: CE 2-1197
Principal: Joseph Jefferson
Coordinator: Marian Coles

This program is developed on the theory that Black students have innate artistic and intuitive intelligence that is rarely tapped. Forty-five 4th, 5th, and 6th graders with unknown potential, but identified as underachievers and "turned-off", rotate through this program in groups of 15. The children spend 30 days in the alternative program and then 60 days back in the regular classroom. While in the alternative program, each child selects the medium with which he would like to work, i.e., performing, creative, communicative or critical arts. The teacher and students plan a program using the chosen medium as a learning vehicle.

●DISSTON SCHOOL
Knorr and Cottage Streets
District 8
Phone: MA 4-4983
Principal: Frank Hauser
Coordinator: Michael Fogelsanger

PROJECT SUCCESS

This program is designed to serve 15 children in grades 6 and 7 identified as underachieving and alienated from the conventional environment. Upon admission to this program, a learning contract between teacher and student is constructed.

DISSTON SCHOOL (Continued)

The program consists of basic skills, career education, art, home economics, music and industrial arts. Students participate actively in their education through the various techniques employed by the teacher and the flexibility incorporated into this program. A counseling component is a vital part in the success of this program.

Emphasis is placed on improving attitudes, changing negative behavior, eliminating frustration and developing reasoning processes in order that students evaluate themselves objectively and honestly.

Students are placed in various job situations in the community where they work as aides or observers and are introduced to the business and professional world.

●FITZPATRICK ELEMENTARY SCHOOL
Knights Road and Chalfont Drive
District 8
Phone: NE 7-4774
Principal: John R. D'Angelo
Coordinator: Ronnie Rosenbaum

GROWTH, RESPONSE, ACHIEVEMENT, SELF ESTEEM PARTICIPATION (GRASP)

This program houses 31 2nd graders who exhibit high academic achievement. Through a variety of "doing" activities, the children are given an opportunity to enrich their educational experience. Some of the areas include trips, cooking and activity centers. Children also contract weekly with their teacher. During the 75-76 school year, twenty to twenty-five second grade students who are not meeting their recognized potential in a conventional classroom participate in this program. The group represents a cross-section of the school population working in a free, open atmosphere. A thematic approach makes use of a variety of learning resources including skill building, field trips, speakers, creative dramatics, inter-school activities and music specialists.

● GIRARD SCHOOL
Trinity Lutheran Church
18th and Wolf Streets
District 2
Phone: DE 1-5161
Principal: Rita Brown
Coordinator: Jack Carr

"MOTIVATION THROUGH MUSIC"

Instrumental and vocal music is the core of this program designed to further motivate students whose academic work is on or above grade level. The pupils day is structured around his instrumental lessons and practice, basic skills and language arts center around music, including theory, appreciation, history, etc. Science, social studies and math incorporate elements of individualized instruction. Students attend concerts, recitals, and practice sessions of musicians in the community. Guest musicians visit the program.

● HARRINGTON SCHOOL
53rd and Baltimore Avenue
District 1
Phone: GR 6-6725
Principal: Lee Hymovitz
Coordinator:

"GETTING TO KNOW YOU"

A basic skills curriculum and affective teaching methods are combined to help meet the individual needs of each student, providing an alternative for all students at the Harrington School. In this program the curriculum and camping experiences bring about an understanding of the interdependence of people within a society. The focus of the program, "getting to know you better", is accomplished through two phases:

Phase I implements an affective curriculum developed by teachers at the schools, in grades kindergarten through fourth.

Phase II includes students in grades 3 and 4. This affords both teachers and students the opportunity to get to know each other better through 3 day trips to an off-campus site in Downington. A concentrated affective curriculum is implemented at that time.

- **JACKSON SCHOOL**
  12th and Federal Streets
  District 3
  Phone: DE 4-2517
  Principal: Julia Moore
  Coordinator: Luther Randolph

The creative and communicative arts are used to explore the contributions of different ethnic groups to world culture. Seventh grade students of varied ethnic backgrounds who are unable to cope with a traditional classroom environment use this exploration to develop a positive self image (of the individual in a pluralistic society). Skills in gathering information, data and interpolating and extrapolating historical concepts through classroom and community experiences are developed.

- **LINGELBACH SCHOOL**
  Wayne & Johnson
  District 6
  Phone: VI 4-5707
  Principal: Allan Smallwood
  Coordinator: Joyce Cousins

SCHOOL OF HUMANITIES

A non-graded elementary school with multi-aged groupings provides an individualized learning program and promotes a cooperative atmosphere. Students spend half of the day working in units homogeneously grouped by ability for basic skills. The curriculum draws from the culturally diverse Germantown population giving students insight into the life-styles, thoughts and aspirations of others. Students from Lingelbach receive first preference in selection. The remaining slots are filled by students chosen through a district-wide lottery.

● MANN SCHOOL
54th & Berks Streets
District 4
Phone: GR 3-2225
Principal: Walter Williams
Coordinator: Enid Kaplan

"THE ENRICHMENT CENTER"

This program is designed to serve children in grades 3 to 6 who have been identified as highly motivated and who are making rapid progress in the regular classroom.

The enrichment center includes work in three areas: languag arts, mathematics, and science. Children are rostered, 15 per group, one hour per day, to the enrichment center and work on such activities as literature, drama, geometry, interpreting data, economic systems, ecology, sub-systems, and variables. Also included in the program are a variety of innovative and unique materials which foster independent study activities and projects.

● MCCLOSKEY SCHOOL
Pickering & Gowen Avenue
District 6
Phone: CH 8-0878
Principal: Gerald Klein
Coordinator: Bettie Edwards

JUNIOR EXPERIENCE TRAINING (JET)

Project JET provides a variety of experiences to make the student aware that learning through school-related experiences is a vital part of his reality. Highly individualized experiences for 60 4th and 5th grade students emphasize career education, cultural enrichment and recognition and improvement of self image. Experiences range from trips with small groups to community cultural, civic, and educational institutions to observation of various businesses. This helps students gain an understanding of different careers, options available to them, and to help them explore and develop their own career objectives.

- **MCCLURE SCHOOL**
  St. Simeon's, 8th and Luzerne
  District 7
  Phone: GL 5-1450
  Principal: Irving Spaner
  Coordinators: Patricia Vaccaro, John McGovern

LEARNING UNLIMITED

This program involves 43 pupils in 4th, 5th and 6th grades. Aimed at a cross-section of the school population, the classes are cross-aged and include students with varying abilities, needs and personality characteristics. A multi-media approach based on a flexible, activity-centered curriculum is used. There is a balance of classroom and field activities. Components include affective education, career development, consumer education, peer group tutoring and transgenerational education.

- **MEADE SCHOOL**
  18th & Oxford Streets
  District 2
  Phone: PO 3-7776
  Principal: Mark Levin
  Coordinator: Bob Tobin

RETURNING TO LEARNING

This alternative program serves children from the 4th, 5th and 6th grades who exhibit erratic attendance patterns which have caused gaps in their learning and leave them unable to cope with the school environment. Students spend the morning in a self-contained classroom during the morning session which uses a social studies centered curriculum to help each student improve his reading, mathematics and study skills.

The afternoon session focuses on service-to-the-school experiences. Children are given opportunities to work as lunchroom leaders, recess leaders, tutors, and aides throughout the building. Children are prepared for these "jobs" through the curriculum provided in their classroom.

Motivational techniques include the use of cameras, identification badges, and rap sessions with Junior, Senior High School and College students.

● MILLER SCHOOL
Howard Street N. of Diamond
District 5
Phone: RE 9-1543
Principal: Bernard Whitman
Coordinator: Joyce Bradley

LANGUAGE SKILLS DEVELOPMENT THROUGH COOKING

Developing language skills through cooking is the central theme of this program for 30 4th, 5th, and 6th graders who have reading disabilities and are non-achieving. A cooking center with an open atmosphere includes teachers, children, aides and parents in the planning and decision-making. Children are involved in library research, newspaper research, comparative shopping, record keeping, and a final project of presenting the school with a cookbook.

● MINI-ALTERNATIVES
District 3
Phone: WA 3-5270
District Administrative Assistant: Dr. Lawyer Chapman

This program incorporates eight schools, establishing alternative classes to meet the individual needs of each school. Included in this program are the Read, Stevens, Jefferson, Jenks, Key, Meredith, Spring Garden, and Fell Schools. Emphasis is placed on social adjustment, tension release, building positive self images. Individualized work in basic skills is designed for each child.

Each program is under the direct supervision of either a reading teacher or counselor. Classes house a maximum of ten students at a time. Students are assigned to the class for one or two hours a day and return to the regular classroom for the remainder of the school day.

● PENNYPACKER SCHOOL
Washington Lane & Thouron Street
District
Phone: HA 4-8787
Principal: Daniel T. Malone
Coordinator: Josephine Goodman

SCHOOL OF EXPRESSIVE ARTS

The Pennypacker School of Expressive Arts is organized in 5 grade units for students in grades 1 through 5. Each morning is used for modular basic skills instruction. Some degree of individualization is accomplished through flexible grouping and cycling for math and reading. During the latter part of the day students focus on one of the arts in the expressive arts center. Every 7 weeks the class moves on to another facet of the center: drama, music, art, creative written expression and literature. Students receive instruction in each of the expressive arts during the year. The center provides a stimulating environment in which students can react with freedom and imagination.

●POWEL SCHOOL
3500 Lancaster Avenue
District 1
Phone: BA 2-6016
Principal: Alan Barson
Coordinator: Penelope Barchfeld

A thematic approach is used to raise the reading level of 4th and 5th grade students who are at least 2 years below grade level. Students select an area of interest which they explore by selecting and reading magazines and books dealing with that area. Children also build models in correlation with this. Upon the completion of their projects the children are permitted to keep the books, thus building their own "home libraries". At the same time related trips and other follow-up activities are used to develop further interest. In addition the children use the shop facilities at the Education Community Center and participate in Prints in Progress.

●PRATT-ARNOLD SCHOOL
22nd Street & Susquehanna Avenue
District 1
Phone: CE 2-1221
Principal: Elliot Jacoby
Coordinator: Rubye Watson

"TUTORIAL COMMUNITY"

The Tutorial Community uses crossage tutoring in an open classroom setting to teach basic skills so that the total climate of learning is changed in such a way as to significantly affect the students. Students in 5th and 6th grades whose reading scores are below the 16th percentile act as tutors for children in lower grades on a daily basis. The tutors are trained by the teacher of the alternative class. A major emphasis is placed on helping a child to become responsible for his own learning.

●PRINCE HALL SCHOOL
Gratz Street and Godfrey Avenues
District 6
Phone: WA 7-7024
Principal: Martha Young
Coordinators: James Gaines, Brenda Braithwait

PROJECT PARKWAY

Forty students, ages 8-13, are served by this program. Students selected for participation are those who are likely to fail in school for a variety of reasons: lack of basic skills, poor achievement and involvement in gang activity.

PRINCE HALL SCHOOL (Continued)

The curriculum is adapted to the unique learning difficulties of the individual pupils and consists of task-oriented programs. Since Prince Hall is a non-graded, open education school, the emphasis in the Alternative Program is on learning in a self-contained situation with opportunity for individual attention in a climate conducive to growth.

The program utilizes community resources for instructional purposes. Classes are held in museums, libraries, educational centers and homes. Skills of community members are included as part of the curriculum. Camping and other trips, filmmaking and projects involving creative ideas are encouraged.

●RHOADS ELEMENTARY SCHOOL
50th and Parrish Streets
District 1
Phone: TR 7-4363
Principal: Dr. Robert Chapman
Coordinator: Doug Ross

"SCHOOL FOR COMMUNITY SERVICE"

This self-contained classroom for 5th and 6th grade students who are discontented and alienated involves work that directly affects their environment. School and community beautification, construction of instructional aids for other classes and being involved in various cooperative projects for the school allow students to help others through the work of their own hands. Students receive training in photography, woodworking, cooking and/or construction skills.

●ROWEN SCHOOL
19th and Haines Streets
District 6
Phone: LI 9-7900
Principal: Dr. Maxwell Kushner
Coordinator: Dolores Jordan

"CHILD BENEFIT CLASS"

The "Child Benefit Class" provides pupils who have displayed progressive alienation with therapeutic counseling, and instructional opportunity outside the structure of the regular classroom. It is a constructive intermediary approach to conventional disciplinary measures. Grades 4 through 6 are involved in this program.

In the "Child Benefit Class" a student has a chance to work in an atmosphere which is noncompetitive, not achievement oriented or threatening. The program and schedule are flexible in order to foster individualization, tutorial service or informal talk sessions. The curriculum itself consists of reality oriented, living-playing-learning experiences that offer continuity, stability, security and a sense of achievement for the child.

•SARTAIN SCHOOL
31st and Oxford Streets
District 2
Phone: [illegible]-2720
Principal: [illegible] Meskill
Coordinator: Hallie Billups

This Alternative Program provides a first grade open-classroom experience for 25 five year old students. These children were involved in the pre-school program at Community 13 and have been identified as highly motivated and achieving above average students. Combining cognitive and affective approaches to basic skills subjects these students to learning in a freer, more relaxed supportive atmosphere.

•TAYLOR ELEMENTARY
2721-6 N. Randolph Street
District 7
Phone:
Principal: Martin Eilberg
Coordinators: Ruth Douglas, Brian Alamar

Students in fourth and fifth grades are served by this program which emphasizes an affective education program with special focus on career education.

This alternative program attempts to develop a sense of personal self-worth and the ability to cope with daily problems in order to make achievement in the cognitive areas. Through the use of various teaching techniques and components such as affective education, Career Development, Consumer Education and pupil to pupil tutors, an attempt is made to ensure success for the students. Children are also exposed to the manual arts, fine arts, dance and drama. An intensive counseling component is an integral part of the program.

The community at large is utilized as an extension of the classroom.

•WASHINGTON SCHOOL
5th & Federal Streets
District 3
Phone: HO 8-0837
Principal: Joseph Williams
Coordinator: Gary Cotler

"ATTAIN"

Project Attain is geared toward students who are underachievers with high academic potential and feel both anxiety and frustration in their educational and life experiences. A cultural enrichment approach is used to help these 7th and 8th graders increase their knowledge, improve attendance, and eradicate negative attitudes. Trips are used as a motivational basis for the teaching of cognitive skills. Both group and individual projects are encouraged.

- **WELSH SCHOOL**
  4th & York Streets
  District 5
  Phone: RE 9-7381
  Principal: Joseph Doyle
  Coordinator: James Angelides

The major thrust of this program is to improve attitudes, change negative behavior, eliminate frustration, and to develop pupils' self-perception of successful accomplishments of educational pursuits for approximately 15 underachieving and maladjusted students.

The program seeks to establish an atmosphere that is non-stifling, flexible and geared to the special needs of the students. The alternative class resembles a learning resource library which houses a wide variety of materials and media. Children are given the freedom to explore and "learn by doing". A unique aspect of the Welsh Alternative Programs is that instruction is highly individualized and specifically detailed to meet each pupil's individual needs.

ALTERNATIVE PROGRAMS FOR SECONDARY SCHOOLS

•ACADEMY FOR CAREER EDUCATION AT OLNEY
Front and Duncannon Streets
District 7
Phone: 324-6100
Principal: Mervin Krimins
Coordinators: Lou Maguire and James Nolan

The Academy integrates an "in the field" business education with the development of academic skills. The program consists of 3 components: (1) Academic Resource Center (ARC), (2) Career Development Unit, and (3) Career Guidance Unit. The ARC is devoted to the attainment of basic skills and is designed to complement student experiences at employer sites. In the Career Development Unit students explore job experiences and obtain the knowledge and skills necessary to improve his interaction in a career setting. The Career Guidance Unit assists both teachers and students to meet "on-site" demands and to provide necessary guidance and counseling both individually and in groups.

•ALTERNATIVE SCHOOLS PROJECT (See Page 52)

•THE ARTHUR SCHOOL
1906 S. Rittenhouse Square
District 2
Phone: KI 5-3000
Principal: Charles Parness
Coordinator: Ned VanDyke

ALTERNATIVE FOR MIDDLE YEARS (AMY)

Students who have experienced alternative education in their elementary schools come from several District 2 schools to AMY. Basic skills are taught within a student centered curriculum through small group instruction. Students are involved in a wide range of independent learning projects. A parental advisory board consults with the teacher to find ways to support the program, locate volunteers, resource people, supplemental materials, and disseminate information.

•BARRATT JUNIOR HIGH SCHOOL
16th and Wharton Street
District 2
Phone: DE 4-3436
Principal: John Murphy
Coordinators: Michael Verecchia and Dean Dougherty

INDIVIDUALIZED INSTRUCTION IN BASIC SKILLS

This program for social and academic underachievers includes career motivation with a focus on media and self-expression. Basic skills are taught in a self-contained classroom. The population is generated by faculty recommendations and parent and student interviews.

●BARTLETT JUNIOR HIGH SCHOOL
11th and Catharine Streets
District 3
Phone: WA 3-3646
Principal: Anthony Giampetro
Coordinator: Jim Lewis

LEARNING ALTERNATIVE FOR DISRUPTIVE STUDENTS (LADS)

LADS is an on-site program designed to develop basic academic skills and to create a postive self-image for highly disruptive students. The program focuses on English and Math, followed by immediate application of concepts in problem-solving situations. Other learning units include environmental control, drug abuse, family living and gang problems. Personal problem solving sessions promote good student-teacher, student-student rapport and develop a foundation from which the student is able to "cope" with a more traditional school structure. Emphasis is also placed on career-education.

●BARTRAM HIGH SCHOOL
66th and Woodland Avenue
District 1
Phone: SA 4-7555
Principal: Louis D'Antonio
Coordinator: Fred Watson

BARTRAM BASIC SKILLS AND TRAINING SCHOOL

This off-site program is designed for students who have not adjusted to conventional programs such as reluctant learners and potential dropouts. An apprenticeship program provides experience for students in school shops. The tension-free learning environment implemented through small group instruction is used to motivate the student in basic subject areas and to pursue his school work more seriously.

●BARTRAM HIGH SCHOOL
3723 Chestunut Street
District 1
Phone: 349-9202
Principal: Louis D'Antonio
Coordinator: Paul Adorno

BARTRAM SCHOOL FOR HUMAN SERVICES

The school for Human Services, an off-site program, combines affective teaching methods with a career development program in human services (eg. hospital, school, social work). Students earn academic credits for community jobs performed 4 days a week without pay. Job workshops are held weekly. Social work interns coordinate job placement, counsel students, and supervise job progress. The curriculum is based on an active process approach to content.

● BEEBER JUNIOR HIGH SCHOOL
1323-7 North 52nd Street
District 4
Phone: GR 3-2950
Principal: Melvin Brodsky
Coordinator: Tom Black

BEEBER ACADEMY

Beeber Academy is a ninth grade program for students who are not achieving to their potential. In the morning students concentrate on Spanish, English, social studies and algebra in an intensive developmental skills program utilizing individualized instruction cross-age tutoring and counseling. Off-site activities take place in the afternoon exploring community resources. Science is taught at the University of Pennsylvania labs, computer studies at Drexel University and students participate in various cultural and educational events.

● BEEBER/WYNNEFIELD
59th Street and Malvern Avenue
District 4
Phone: 879-1114
Vice Principal: Vincent Mallory

ALTERNATIVE PROGRAM FOR THE TALENTED STUDENT

This program for talented students restructures the learning environment to include the home, community, and school cooperatively in meeting the cognitive, affective, and physical needs of junior high school youth. The instructional component will employ Piagetian approaches to learning problems as well as independent study projects, learning contracts, peer tutoring, and career education. Off-campus experiences are offered in areas of special interest.

●THE WILLIAM S. BISHOP LEARNING CENTER
49th Street and Wyalusing Avenue
District 4
Phone: 879-0300
Director: Allen Platt (on leave)
Acting Director: Ray Crumbley
Coordinator: Bruce Jones

The Bishop Learning Center accommodates students who demonstrate alienation and are unable to remain in the parent school. The students from 4 feeder schools: Gillespie, FitzSimons, Strawberry Mansion, and Shoemaker Junior High Schools. The program attempts to alleviate their hostility and anxiety through an active therapeutic counseling program, home visits and follow-up counseling for each child. Small groups with numerous options for activities and individualized instruction are used to provide appropriate and challenging learning experiences.

●BOK VOCATIONAL HIGH SCHOOL
8th and Mifflin Streets
District 3
Phone: HO 3-6060
Principal: Dr. Josephine Caporale
Coordinator: Reggie Carn

PROGRAMS FOR ALTERNATIVES IN VOCATIONAL EDUCATION (PAVE)

PAVE is an on-site program designed to help students who demonstrate an inability to adjust to the conventional classroom or reluctant learners who make the necessary decisions and commitments to either reenter a vocational program or select another curriculum area more suitable to the development of a saleable skills. The program attempts to integrate basic academic skills with vocational projects. An emphasis is placed on academics utilizing faculty from each major area. Special vocational training and behavior modification is provided in the electronics shop which simulates actual job experience.

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●CENTRAL HIGH SCHOOL
Ogontz and Olney Avenues
District 6
Phone: CA4-6015
Principal: Dr. Howard Carlisle
Coordinator: Nicholas Luongo

ELEVENTH GRADE INDEPENDENT STUDY PROGRAM
TWELFTH GRADE OFF-SITE INTERNSHIP PROGRAM

These programs have been opened to all Central Students to provide opportunities to select and pursue projects both at Central and throughout the city. Work for on-site projects may be accomplished in one of two learning centers or at other school facilities such as laboratories and the library.

Students in the off-site internship program spend at least 4 periods in school each day. In the afternoon they report to a self-selected project site. The projects are not work experiences, but pre-collegiate internship in preparation for a profession; and activities are coordinated by a faculty sponsor and an Alternative Learning Project team.

●COOKE JUNIOR HIGH SCHOOL
4400 N. Broad Street
District 7
Principal: Louis Goldstein
Coordinator: Harry Topolsky

COOKE LEARNING EXPERIENCE CENTER (CLEC)

CLEC is an off-site alternative which develops basic skills and thinking processes through problem-solving activities related to the allied health fields. Students spend three days a week at the CLEC site, studying basic skills presented in interdisciplinary modular units. Two days are spent at various hospital sites in the community, including Einstein Medical Center, Parkview Hospital, Temple University Hospital, and Hahnemann Hospital.

•DISTRICT 3 CLUSTER ALTERNATIVE PROGRAM
532 Spruce Street
Phone: 574:8650
Coordinators: Mike Fineberg and Lawyer Chapman

This program, housed at the Rebecca Gratz Club, serves girls formerly classified as needing a remedial program and who have had problems adjusting to a more conventional structure. An affective learning situation is used to develop and improve basic academic skills, human relations skills, and general problem-solving skills. Four one-hour classes convene in the morning to develop primary reading skills. Application of those reading skills, as well as kitchen mathematics, chemistry and consumer education, is ddveloped in an extensive home economics classroom. Students are also involved in designing various courses of study with many opportunities for human relations discussions.

•DOBBINS AREA VOCATIONAL TECHNICAL SCHOOL
29th and Lehigh Avenue
District 4
Phone: BA6-3310
Principal: Edward Magliocco
Coordinator: Margaret McLaughlin

DOBBINS AREA MINI VOCATIONAL-TECHNICAL SCHOOL (DMVS)

The off-site program service socially alientated students with a program designed to modify student behavior and to maintain present levels of skill development. After attending the program in 10-week cycles, students return to their regular school program. DMVS offers academic and shop experiences, recreational activities, group seminars, problem-solving experiences, cultural activities and industrial site visitations. Selected students participate in cooperative work-studies programs. The counseling program involves student-centered sessions aimed at real concerns of the student (i.e., careers, drugs, gangs and personal problems).

- EDISON HIGH SCHOOL

4th and Clearfiled Streets
District 5
Phone: NE 4-8180
Principal:
Coordinator: Nathan Beale

EDISON PROJECT DROPOUT PREVENTION CENTER

Dropout prevention is the main thrust of the Edison Project serving students identified as potential dropouts on the basis of previous attendance, grades, and grade level retention. Classroom instruction is divided into two sessions - the morning is devoted to reading and mathematics skills, providing intensive instruction for students in need of remedial help; the other half of the day is spent in a self-contained open-classroom. Activity centers include the major subject areas, a career development component and part-time student placement in either trade schools or a work-stipend.

- EDISON HIGH SCHOOL

8th Street and Lehigh Avenue
District 5
Phone: BA 3-4400
Principal:
Coordinator: John Thompson

ELECTRICAL ACADEMY

The Academy is a 3-year program, designed to provide students with basic skills in electricity and electronics. Academic subjects are taught in relation to the electrical training received. A project team from area business and industry supervises the teaching operation and provides the necessary managerial and technical expertise. Industrial experience supplements classroom instruction.

- FELS JUNIOR HIGH SCHOOL
Devereaux and Langdon Streets
District 8
Phone: JE 3-9987
Principal: Sidney Bosniak
Vice Principal: Dr. Harry Fishman

SUPER SCHOOL

The "Super School" is an on-site program for students experiencing various problems adjusting to the normal classroom. Small classes using teaching techniques adjusted to the students individual social and cognitive needs. Students with severe reading problems use reading laboratories. Many visuals and opportunities for oral discussion are available. Good readers with behavior problems are given research-oriented assignments with frequent opportunities to discuss problems with their teachers.

Field trips and "hands-on" projects are integral to the program, providing skills experiences, cultural enrichment and social interaction in "out-of-school" situations as well as informed yet informal counseling opportunities.

- THE FRANKLIN LEARNING CENTER
15th and Mt. Vernon Streets
District 2
Phone: CE 5-1881
Frank Guido

The Franklin Learning Center combines six different programs to provide opportunities for students in grades 9 through 12, desiring an alternative education experience, young people who have dropped out of school, adults who have not received diplomas, youth and adults who want career traning and vocational skills and students who qualify for a cooperative program with Community College of Philadelphia. In order to accommodate schedules of those who have job, family and other personal commitments, FLC is open year-round and from morning through early evening.

Academic Motivation Programs - prepare students for college through traditional high school courses featuring the humanities and interdisciplinary studies. Special counseling and cultural activities are integrated features of this component.

Parkway Epsilon - a new unit of the Parkway Program. (See Parkway)

Community College of Philadelphia - for those who qualify educational opportunities will be provided at Community College, including vocational as well as academic course work.

Adult Education - includes the Adult Basic Education (A. B. E.) which stresses basic learning skills to the 8th grade level, and the General Education Development (G. E. D.) program which prepares student to take the high school equivalency exams.

Career and Vocation Education - training in entry level job skills is provided in the fields of health services, secretarial and clerical, construction trades and other work-study programs.

English as a Second Language (E. S. L.) - is still in the developmental stage. One major component is education programs for the Spanish-speaking community.

• FRANKLIN/PENN ALTERNATIVE PROGRAM
1812 Green Street
District 2
Phone: 665-9556
Principal of Franklin High School: Leon Bass
Principal of William Penn High School: Odette Harris
Coordinator: George Turner

Community awareness and development of academic skills are goals of this off-site program for disruptive, truant, gang-oriented, and/or low-achieving students. Classes are scheduled in flexible time blocks, open to students of all levels, and are ungraded. Components of the program include a complete career education program, work experience, basic skills remediation, psychological counseling (done by a Hahnemann Mental Health team), typing, and shop classes.

The Negro Trade Union Leadership Councial (NTULC) sponsors a Work Internship Program and an Apprenticeship Outreach Program. The Work Internship Program provides job placement on a part-time basis for students in curriculum-related jobs. The Apprenticeship Outreach Program trains students to pass apprenticeship tests and to enter into skilled construction areas.

• SAMSON L. FREEDMAN SCHOOL OF HUMANITIES
Sedgwick and Thouron Streets
District 6
Phone: HA 4-2501
Principal (Leeds J.H.S.): Albert Session
Coordinator: Loretta Cantby

The Freedman School of Humanities develops thematic humanities curricula for program activities and for dissemination as curriculum guides for other interested personnel. An interdisciplinary approach aims to develop the self-confidence each student needs to cope with himself and his environment. Activities include field trips, guest speakers, and interaction with community leaders and students from other schools. Both students and staff participate at their own request.

●FURNESS JUNIOR HIGH SCHOOL
3rd and Mifflin Streets
District 3
Phone: DE 4-1130
Principal: Herman Balen
Coordinator: Jack DeLargy

SNAP

SNAP provides an atmosphere free of competition, where each student works at his own pace on each assignment. This on-site program for students who exhibit social and academic alienation in a conventional structure includes two self-contained classrooms and focuses on the development of basic academic skills. The curriculum centers around an individualized computer instruction unit using visuals, tapes, programmed materials, and weekly trips. On-going student counseling, parent contact by teachers and aides, small classes, and much positive reinforcement contribute to the good teacher-pupil rapport.

●GERMANTOWN HIGH SCHOOL
McCallum and Haines Street
District 6
Phone: VI 9-2903
Principal: Walter Scriven
Director: Charles Peoples
Coordinator: George Davis

URBAN CAREER EDUCATION CENTER

U.C.E.C. contains three components which relate to community life and career aspirations. The focus is on skill preparation, employability, and natural life roles.

The first is the Career Intern Program (CIP), designed for young people seeking an alternative to the traditional school.

The second is the Career Orientation Program (COP) aimed at the parent of the student. Both student and parent are enrolled as program participants. The importance of the parents' sustained support to his child's progress is stressed.

This program was developed in conjunction with the Philadelphia Board of Education and the Opportunities Industrialization Center (OIC).

- GERMANTOWN HIGH SCHOOL, MARTIN LUTHER KING HIGH SCHOOL

Germantown Avenue and High Street
District 6
Phone: VI 8-0606
Principal: Walter Scriven
Coordinator: Frank Kellum

GERMANTOWN/KING PAIRED HIGH SCHOOL PROGRAM FOR TALENTED STUDENTS

The paired high school identifies students with special talents and attempts to provide them with the optimum educational opportunities of the Germantown and King Schools and field experiences. Basic skills instruction is received on-campus. Field experience practicums take place at various sites throughout the community. They are coordinated by a Community Involvement Component and monit ·ed regularly by the Career Counseling Component. Students are also provided with the time and opportunity to pursue special interests using the resources of both schools.

- SIMON GRATZ HIGH SCHOOL

17th and Luzerne Streets
District 4
Phone: BA 5-5385
Principal: Oliver Lancaster

CONTENT AREA READING EXPERIENCES (CARE)

CARE offers students a traditional high school curriculum with major emphasis on improving reading in all instructional components. Math puzzles and games deal with both computational and verbal skills; sewing and shop classes use experience charts and other elementary reading techniques to relate reading skills to vocational education; English and clerical practice classes concentrate on speaking and writing skills relating to the clerical field. CARE also allows students with preprimer skills to effectively work on their weaknesses.

GRATZ AUTOMOTIVE SCIENCES (GAS)

This interdisciplinary program will relate basic academic skills to the study of all aspects of the automotive field. Two cars acquired by Gratz will be prepared for competitive and display purposes and entered in contests of speed in antique shows, and will be kept in good repair.

●HARDING JUNIOR HIGH SCHOOL
Mulberry and Meadow Streets
District 7
Phone: CU 9-7999
Principal: Bernard Dubrow
Coordinators: Ellen Weiser, Cathy Metz

THE LEARNING TREE

The Learning Tree, a program for vocational education students, develops job-oriented skills and the ability to deal with people in many different situations. Each student has a daily work apprenticeship in the community. Basic skills are taught in the morning utilizing innovative teaching techniques and materials. The science and mathematics programs master difficult concepts through creative publications, games, special instructional materials, and student selected projects. Students are offered a wide range of electives including filmmaking, photography, art and dance. Counseling sessions are held for small groups and individuals.

●JONES JUNIOR HIGH SCHOOL
5th and Cleafield Streets
District 5
Phone: GA 6-4114
Principal: Saul Grossman
Vice Principal: Arnold Malin
Coordinator: George Clifford

JONES ALTERNATIVE PROGRAM

The Jones Alternative explores its urban environment with students characterized as truant and alienated, visiting the industries and institutions of the city. Students serve as classroom aides in feeder elementary schools and as volunteers at local hospitals. Basic skills are taught through learning kits and individualized instruction, relevant to their environment, using a contract teaching approach as motivation.

●KENSINGTON HIGH SCHOOL
5301 York Road
District 5
Phone: GE 5-5700
Principal: Sydney Weiss
Coordinator: Eleanore Machlowitz

KENSINGTON PRE-PARAMEDIC CORPS

Girls who have shown an interest in paraprofessional health careers attend this health field training program developed in conjunction with the Philadelphia Geriatrics Center. Half the school day is spent at the Center where the students work with the elderly in the nursing home, pharmacy, hospital and offices. All training is offered by the Center's staff, who with the teachers, prepare the students to meet the various responsibilities assigned to them. Academic subjects, taught during the other half of the schedule are integrated with the hospital experiences. Cultural events are included as a motivational component of the program.

●MARTIN LUTHER KING HIGH SCHOOL
Stenton Avenue and Dorset Street
District 6
Phone: WA 7-1834
Principal: Louis DeVicaris
Coordinator: James Robinson

SELECTING ALTERNATIVES TO VIOLENCE THROUGH EDUCATION (SAVE)

SAVE attempts to reshape the attitudes, values, and achievement expectations of students who have histories of disruptive behavior, truancy, gang-related activities, or low achievement. Traditional high school subjects are taught in small groups. An intensive tutoring program aids students in those areas which need strengthening. SAVE also tries to find part-time, after-school employment for students.

•MARTIN LUTHER KING HIGH SCHOOL
Stenton Avenue and Haines Street
District 6
Phone: WA 7-7200
Principal: Louis DeVicaris
Coordinators: Paul Solis-Cohen, Martin Hyman

OPEN CLASSROOM

Martin Luther King Open Classroom program provides an education experience in English for a heterogeneous group of students. The teachers have designed learning stations utilizing all areas related to English and utilizing an Affective approach. Students work on defining roles, developing positive self images, and value clarification. A contract method is used to aid in evaluation.

•ROBERT E. LAMBERTON SCHOOL
7630 Woodbine Avenue
Phone: GR 7-6439
City Line and Lancaster Avenues
Phone: TR 8-9089
District 4
Principal: Anthony J. Romano
Vice Principal: John DiLello
Coordinator: John DiLello

ALTERNATIVE PROGRAM

College bound students in eighth grade at Lamberton are involved in this alternative which extends into the senior high school grades. The program is designed to create a new style of educational relationship between the student, teacher, and environment. Lamberton also provides a laboratory setting for experimentation and the generation and development of new programs. A variety of teaching approaches is used containing elements of team teaching, open space, individualized instruction and the use of community resources. The unique aspect of this project relates to its inclusion of grades K through 12 in one administrative unit.

•LEA JUNIOR HIGH SCHOOL
47th and Locust Streets
District 1
Phone: GR 6-4325
Principal: Charles Thompson
Coordinator: Norris Eldridge

OPEN CLASSROOM JUNIOR HIGH PROGRAM

The goals of the Lea Open Classroom are to improve attendance, raise mathematics and reading levels and to develop problem-solving techniques of 7th grade students. The open classroom approach stresses teacher/pupil planning, cooperative group work and evaluation, individual and small group instruction. Trips and out-of-school activities are used to expand the academic program.

•LEWIS MIDDLE SCHOOL
Tulpehocken and Ardleigh Streets
District 6
Phone: CA 4-5487
Principal: Albert Jackson
Coordinator: Carolyn Keels

LEWIS ALTERNATIVE PROGRAM

This self-contained classroom provides a warm, non-threatening environment for students who are not working up to their potential. Students are involved in a number of extra-curricular activities. A community worker provides increased field activity and contact with parents. Additional support is provided by a counselor.

•LINCOLN HIGH SCHOOL
Rowland and Ryan Avenues
District 8
Phone: 335-0550
Principal: Bernard Rafferty
Vice Principal: Harry Silcox
Coordinator: Arnold Taylor

COOPERATIVE APPROACH TO BUSINESS LEARNING EXPERIENCES (CABLE) AND OPERATION ACHIEVE

These two programs, operating as one, serve underachieving students. Students work both in small groups and individually on specific prescribed materials using programmed reading worksheets and various reading equipment. Career education is

LINCOLN HIGH SCHOOL (Continued)

strongly emphasized in the class through various activities, materials & trips which help students explore the world of work. Many of their basic skills activities are based on job-related skills. Students are assisted in finding part time jobs.

●LINCOLN HIGH SCHOOL
Rowland and Ryan Avenues
District 8
Phone: 335-1030
Principal: Bernard Rafferty

PROGRAM FOR MUSICALLY GIFTED STUDENTS

This program is for musically gifted high school students who have completed the traditional music major courses offered in the public school system. In an effort to develop music performance skills, the program focuses on conducting and arranging, music composition, and music literature. Selection relies heavily on the audition process.

●LOWER KENSINGTON ENVIRONMENTAL SCHOOL (LKES)
1502 Frankford Avenue
District 5
Phone: GA 5-7335
Director: Leon Alexander
Coordinator: Joseph Holden

The school is one component of the Lower Kensington Environmental Center and serves junior high students referred by school counselors, courts, and agencies. This program stresses basic skills, reading/communication, and environmental study through practical courses that require the completion of a project. Teachers provide ongoing counseling, try to develop a good rapport with their students and maintain contact with parents. Parents must come to school to help students select courses each term. Students remain in the program no longer than one year.

●**MASTBAUM AREA VOCATIONAL-TECHNICAL SCHOOL**
Frankford Avenue and Clementine Street
District 5
Phone: GE 5-7261
Principal: Milton Sussman
Coordinator: Barbara Siskin

BIG BROTHER VOCATIONAL ARTICULATION PROGRAM

Through this program, students in the Penn Treaty DRIVE and BEST programs experience various shop situations at Mastbaum High School. The vocational guidance counselor meets a different group of students each morning of the week at the Mastbaum site. Each group attends once a week. This program also provides vocational shop experiences for other district five students on a less intensive basis.

●**MIDDLE YEARS ALTERNATIVE**
3500 Lancaster Avenue
District 1
Phone: EV 6-9884
Principal: Alan Barson (Powel School)
Coordinator: Judy Letchner

MYA is an ungraded open education program that will provide students the opportunity to use the resources of the University community and of the City that are concentrated in that area. Students explore nearby commercial, civic, art, and educational resources and members of the community will also come to the school to share their areas of expertise. An interdisciplinary and thematic approach will be used to teach basic skills.

●**NEIGHBORHOOD EDUCATION AND COUNSELING CENTER (FRANKLIN HOUSE)**
1327 N. Franklin Street
District 5
Phone: CE 5-0268
Director: Louisa Groce

The Center serves students from schools throughout the city, offering family-like support for students referred by various social service agencies, courts, and school counselors. Parents participate in program development. Franklin House provides an individually paced academic program (focusing on basic skills). Equal stress is placed on individual social/emotional development through group counseling and special psychological services provided by Temple University. The staff spends a great deal of time establishing a rapport with students through home visits, counseling, tutoring and weekend trips.

- NORTHEAST HIGH SCHOOL
  Algon St. and Cottman Avenue
  District 8
  Phone: PI 2-0110
  Principal: Theodore Beck
  Vice Principal: Dr. Hyman Boodish
  Coordinator: Myron Zison

NORTHEAST ALTERNATIVE LEARNING PROGRAM (NALP)

This open classroom environment is designed for the student whose program has been hampered by the traditional classroom approach and for the student who is seeking a more individualized approach. English, social studies, mathematics, and science are taught in an informal, relaxed atmosphere. Students also attend regular classes that are required for graduation. Some students are involved in a work-experience program.

● OVERBROOK HIGH SCHOOL
59th Street and Lancaster Avenue
District 4
Phone: TR 8-8200
Principal: Leroy Layton
Coordinators: William Shaffer, Jean Hamilton

OVERBROOK ALTERNATIVE PROGRAM

Overbrook is an on-site program which places chronic truants in self-contained classrooms offering a highly individualized basic skills curriculum. Each student uses instructional materials and texts especially chosen or developed by the staff. Most programmed materials emphasize career information. Intensive career counseling is provided as part of each student's experiences. Attention is also given to students' personal problems. Contact is maintained with the home. Helping students to be aware and realistic about themselves is the most positive form of motivation.

●OVERBROOK HIGH SCHOOL
Coordinator: Carmen LaRocca

NAVAL JUNIOR RESERVE OFFICERS' TRAINING CORPS

N.J.R.O.T.C. provides an opportunity for students to meet with two naval science instructors daily for academic and drill sessions. Navy personnel are available for individual counseling throughout the day. Course content will include the history of the Navy, behavioral sciences, drug abuse, navigation, seamanship, and drills.

●PARKWAY PROGRAM
13th and Spring Garden Streets
Phone; MA 7-3266
Director: Robert Hutchins

Parkway consists of five separately housed units, each having a group of lottery selected students from various parts of the city. Students use the city as their school, selecting classes taught in various locations throughout the city by regularly appointed teachers and by volunteers from professions, business and industry. Community, civic and cultural institutions in the city offer additional educational and internship opportunities. A tutorial plan provides counseling and a supportive group for students.

Alpha Community - 1801 Market Street - Ron Houston - 561-2920
Beta Community - 21 South 21st Street - Julius Bennet - LO 3-6964
Gamma Community - 3833 Walnut Street - Dr. Joseph Jacovino - EV 6-2527
Delta Community - 6008 Wayne Avenue - Ella Travis - VI 3-6133
Epsilon Community - 15th & Mt. Vernon Street - Ernest Harper - CE 5-3005

- PENNSYLVANIA ADVANCEMENT SCHOOL
- INTENSIVE LEARNING CENTER

5th and Luzerne Streets
District 7
Phone: BE 6-4653
Director: Dr. James Lytle

These two independent programs are housed in the same building. Boys and girls of middle school age participate in four component programs under the aegis of "PAS/ILS". ILC program objectives pertain to skills development, improved attendance, decreased discipline referrals and improved ability to work individually and in small groups. ILC utilizes a great variety of teaching styles, media of instruction and classroom settings.

PAS currently operates four interrelated segments. These are (1) an individualized open education program, (2) a resident program for teachers and students, (3) an external program through which mini-schools are operated at eight junior high schools, and (4) a staff development program for the teachers and administrators of external program schools. These programs are all interrelated

The program is characterized by team-teaching, the use of diverse teaching approaches including open classrooms, individualized instruction, and a variety of group settings. PAS staff rely heavily on the use of media and highly motivational curriculum.

- PENN TREATY JUNIOR HIGH SCHOOL

District 5
Principal: Marion Steet
Coordinator: Jim Weiss
Phone: GA 6-5111

BEST, DRIVE, AND PEP

BEST: 701 E. Thompson Street. Better Education Through Service and Training (BEST) combines emphasis on the development of basic skills instruction through traditional approaches with an instruction component in home economics and hygiene for allentated girls.

DRIVE: Montgomery and Thompson Street

The Delaware River Inner-City Vocational and Educational Program (DRIVE) also emphasizes basic skills, along with a career education component which consists of hands-on skill activities, field experiences, vocational counseling and problem solving study contracts. As another part of the DRIVE program, students participate in competitive sports, overnight camping trips, trips to industries, and listening to guest speakers. The students are also involved in the Mastbaum Big Brother Program, 701 East Thompson Street.

PEP: 1603 Frankford Avenue

Penn Treaty-Edison Project (PEP) is an off-site project where students from Penn Treaty who are potential drop-outs participate in a program similar to that of the Edison Project Drop-Out Preventiona Center. (See Edison High School.)

- PHILADELPHIA HIGH SCHOOL FOR GIRLS
Broad Street and Olney Avenue
District 6
Phone: WA 7-4500
Principal: Ruth M. Klein
Coordinator: Rae Niefiels

OPERATION SELF-REALIZATION

This alternative program consists of two components involving students, parents, community and school. The Study Action in Philadelphia Program For Seniors (SAS) presents an opportunity for seniors to apply independent study in a chosen area of action. While making a worthwhile social contribution through community action projects, students explore possible educational, vocational and avocational choices. A tangible report of the experience is prepared using tape, slides, film, an experiment or a paper

The other component, Creative Potential Development (CPD), is open to qualified students in any grade. This program makes resource people available to those gifted students who are involved in independent study programs.

- PICKETT MIDDLE SCHOOL
Wayne and Chelten Avenues
District 6
Phone: VI 4-2100
Principal: Francenia Emery
Coordinator: Dolores Puckett

A group of sixth and seventh graders who are not working up to potential in the achievement of basic skills and a group of normally achieving students are admitted to this program. Two-thirds of the school day is spent in a regular classroom setting using a variety of teaching techniques including peer-tutoring. A major portion of the remaining time is directed toward field trips into various industries and professions. Some students spend a large portion of one day a week involved in a field experience. Students learn to use cameras, typesetting equipment and videotape to inform their school and and community about their program.

●RHODES MIDDLE SCHOOL
29th and Cleafield Streets
District 4
Phone: 229-0850
Principal: Jacob Hoffman
Coordinator: Peter Sparling

The Rhodes Alternative provides in and out-of-school communications and media experience for students whose creative energies and potential are not realized in the conventional program. Out-of-school experiences sponsored by a business leader in a "big-brother-like" capacity in business, career oriented and/or community activity are offered to some students. A communications/media component provides T. V. studio experiences. The program is shared with others through a mini-news program and a publication printed on their press. Language Arts, Social Studies Reinforcement, Math and Science are taught using a variety of teaching techniques, materials, and field experiences.

Rhodes utilizes contractual learning techniques and individualized teaching methods.

●ROOSEVELT MIDDLE SCHOOL
Washington Lane and Musgrave Street
District 6
Phone: VI 3-0703
Principal: Willie Toles
Coordinator: Harold Gross

OPERATION PRESTIGE

This on-site program for students not working to their capacity, concentrates on the development of basic academic skills, behavior modification, and the creation of a positive self-image. The reading teacher spends a great deal of time with both students and teachers in planning their reading program. Through a planned enrichment program of field trips, students are exposed to diverse social, cultural and educational experiences. A comprehensive counseling approach supports the educational program through consultations, staff development and home visits.

●ROXBOROUGH HIGH SCHOOL
6401 Wayne Avenue
District 6
Phone: 842-0329
Principal: Robert Hoffman
Coordinator: William Hogan

ALTERNATIVE PROGRAM

The Roxborough Alternative Program is an innovative flexible senior high school program which offers approximately 35 mini-courses in 3 ten-week sessions. Students are involved in the course selection process and curriculum development. Emphasis is placed on "hands on" activitites and active student participation. The art class relates to career awareness and opportunities; students develop portfolios of their art projects in class. The strength of this program is the excellent rapport and environment where everyone cares.

●RUSH MIDDLE SCHOOL
Knights and Fairdale Roads
District 8
Phone: NE 2-8777
Principal: Edward Itzenson
Coordinator: Shirley Solop

ALTERNATIVE PROGRAM

The Rush Alternative Program offers students an open classroom atmosphere in which individualized activities and joint teacher/pupil planning is stressed. The staff identifies student weaknesses, then prescribes and supports a program of remedial activities. Academic growth is viewed as a by-product of a relatively free atmosphere. A token system is used as a motivational device, rewards students with "funny money" for completing various instructional tasks. The money may be rodemed for different games and books which students may keep.

●SOUTH PHILADELPHIA HIGH SCHOOL
Broad and Jackson Streets
District 3
Phone: HO 7-7925
Principal: Benito Farnese
Coordinators: James Gibbs, Bernard La Morgia

SOUTHERN ALTERNATIVE LEARNING EXPERIENCE (SALE)

SALE aims to develop basic academic skills for students who fail to adjust to the regular school program. Individualized instruction is monitored by a teacher and a student leader, creating a group atmosphere. The ongoing counseling effort involves daily contacts with students and parents.

●SAYRE JUNIOR HIGH SCHOOL
58th and Walnut Streets
District 1
Phone: SH 8-6610
Principal: Robert Eaverly
Vice Principal: Gilbert Belsky

ALTERNATIVE PROGRAM

The Sayre Alternative Program attempts to motivate low-achieving and truant pupils to attend school regularly. The development of salable skills and exposure to career opportunities is used to develop basic skills and create a positive self-interest. Trips to industries, local businesses and cultural events and the resources of the Sayre Career Laboratory are used to stimulate student interest.

●SOCIETY HILL PLAYHOUSE
507 S. 8th Street
Phone: WA 3-0210
Director: Deen Kogan

PHILADELPHIA YOUTH THEATRE/ALTERNATIVE

The Philadelphia Youth Theatre is a production oriented project offering intense exposure in theatre to 30 students and broad based exposure to 3,200 students throughout Philadelphia. During the 17 week school term, PYT/Alternative offers workshop student and intense rehearsal training, literature, speech, history, technical, acting and body movement classes make up the curriculum designed by the professional staff to introduce students to the theatre arts and increase basic reading writing, and language skills. The term's experiences are culminated by a performance.

●STETSON JUNIOR HIGH SCHOOL
Front Street and Allegheny Avenue
District 5
Phone: GA 3-6969
Principal: Herbert Jung
Coordinator: Jay Steele

ALTERNATIVE PROGRAM

This program for chronically truant, disruptive, and low-achieving students concentrates on developing basic academic skills, career and vocational skills. The multi-ethnic population relates well to each other. Students are exposed to career options through the career development program. Close contact is maintained with parents. A psychological component deals with problems of alienated students.

●STODDART-FLEISHER JUNIOR HIGH SCHOOL
13th and Bradywine Streets
District 3
Phone: MA 7-2083
Principal: Samuel Staff
Vice Principal: Charles Edelson

MINI SCHOOL

The two components of the Stoddart-Fleisher Alternative are (1) a minischool Program for the Academically Gifted which makes available increased opportunities for learning experiences through the use of community and cultural resources and (2) a center for a "Remedial Program in Basic Skills", combining intensive and individualized remediation with a regular school roster. A photography component is coordinated by an outside consultant. An advisory team representing the ethnic makeup of the student population, including faculty, students, parents, area business, community organizations, counselors and administration representatives works with the program.

●SULZBERGER JUNIOR HIGH SCHOOL
48th Street and Fairmount Avenue
District 1
Phone: TR 8-0436
Principal: Joseph Kelly
Coordinator: Donald Rivers

SULZBERGER CAREER EDUCATION

The four miniprograms that comprise the Sulzberger Career Education program use individualized approaches to decrease hostile attitudes, improve basic skills and provide career education experiences in the local community for students showing progressive alienation in classroom adjustment.

●TIOGA COMMUNITY YOUTH CENTER
3519 1/2 N. 22nd Street
District 4
Phone: RA 5-5385
Principal: Dr. Oliver Lancaster
Vice Principal: T. Souflas
Coordinator: Donald Summons

TCYC is designed for students who do not easily fall into the accepted patterns of a conventional high school. TCYC attempts to break a continuous cycle of gang hostilities, truancy, drop-outs and passive classroom behavior. Program development is a continuous function of TCYC involving students and faculty. The program explores non-violent alternatives of problem solving between people of the same or different ethnic groups. Small group and individual counseling are basic to the program. Individual activity centered instruction concentrating on basic skill remediation is combined with curriculum related trips and out-of-the building activities. A career education program is integral to the curriculum providing job training, summer and part-time job placement and job counseling.

●TURNER MIDDLE SCHOOL
59th Street and Baltimore Avenue
District 1
Phone: GR 4-0564
Principal: Matthew Knowles
Coordinator: Miriam Samuels

CENTER FOR THE PERFORMING ARTS

A multi-media approach in teaching language arts, reading and mathematics is explored at the Center. In this heterogeneous group, basic skills instruction is integrated with media and performing arts to meet the different ability levels the students exhibit. Independent study projects including student research of topics related to the performing arts, plays, skits, audio tapes, broadcasting and documentary film are all components of this program.

- **UNIVERSITY CITY SCHOOL**
36th and Filbert Streets
District 1
Phone: EV 7-5100
Principal: Davis Martin
Coordinator: Thurmond Lyle

BUSINESS ACADEMY

The Business Academy is a cooperative effort between the community, school and organized business to create an educational process which prepares students for the business world. Students are enrolled in the academy for 3 years. The first year is devoted to improving basic skills. During the 2nd and 3rd year the students attend classes half of the day and work the remainder of the day in organized fields of business.

- **VARE JUNIOR HIGH SCHOOL**
22nd Street and Snyder Avenue
District 2
Phone: HO 3-0709
Principal: George Fieo
Coordinator: James Ronglone

VOCATIONAL EXPERIENCE CENTER

Development of basic academic skills emphasizing remedial reading is the focus of this program for alienated and non-achieving students. Individualized and small group instruction are important components in all areas. Arts and crafts are offered by a local cooperating agency. Many students participate in a work-study program with local businesses and nearby elementary schools. Parental visitations are an integral part of the program.

- **VAUX JUNIOR HIGH SCHOOL**
24th and Master Streets
District 2
Phone: PO 3-9116
Principal:
Coordinator: Pamela Tamburri

ALTERNATIVE PROGRAM

This program developes basic academic skills for underachieving youth through 3 major program components. The Career Development Center offers special career conferences in an effort to broaden the information base of junior high students. A mostly

VAUX JUNIOR HIGH SCHOOL (Continued)

traditional, individualized program of instruction is developed for each student in the Basic Skills Center, using material related to occupations. All students in the alternative program participate in the Child Care and Development Center. Early childhood education, child care, and home management are taught. Exposure to the Child Care and Development Center develops a foundation for career experience and serves as an impetus for behavior modification.

•WAGNER JUNIOR HIGH SCHOOL
18th Street and Chelten Avenue
District 6
Phone: LI 9-5545
Principal: Dan Purnell
Coordinators: John Callen and Joyce Jackson

ALTERNATIVE PROGRAM

Wagner's Alternative program serves students identified as underachievers. A traditional junior high program is offered using individualized materials and programs. Progress reports are issued bi-weekly in an attempt to keep students and parents aware of student progress.

•WANAMAKER JUNIOR HIGH SCHOOL
11th Street and Columbia Avenue
District 5
Phone: CE 5-2229
Principal: William Lucas
Coordinator: Fred Clayton

PROJECT CHANGE

This program attempts to change attitudes and behavior of low achieving and chronically truant children. Students are divided into two groups; academic and commercial. Mathematics, reading and critical thinking skills are emphasized in the curriculum. Counseling is continual and contact is frequent and personal.

●WEST PHILADELPHIA-UNIVERSITY CITY HIGH SCHOOL
36th and [illegible] Streets
District [illegible]
Phone: EV [illegible]100
Principal: Davis Martin
Coordinator: Alan Kramer

INDIVIDUALIZED STUDY PROGRAM (ISP)

ISP provides a non-graded, non-textbook program in which students complete individualized learning packets. Each day students have 3 periods a day for a full range of academic subjects, one period for minor subjects (offered through outside resources) and time for independent study projects at sites throughout the city. Students are grouped in 5 teams based on foreign language proficiency. Each student is expected to do concentrated study in his expressed area of interest.

●WEST PHILADELPHIA-UNIVERSITY CITY HIGH SCHOOL
410 N. 34th Street
District 1
Phone: BA 2-3262
Principal: Davis Martin
Coordinator: Norman Matlock

SUNNYCREST ACADEMY

Sunnycrest is an off-site alternative program for male students characterized as alienated, chronically truant, or involved in gang-related activity. University City High School, in cooperation with Youth Services, Inc. has developed the program which emphasizes basic skills and offers students an informal, highly supportive learning environment. Basic skills are taught in a fairly traditional fashion. All subjects are taught at Sunnycrest, except shop which is offered at University City. A social worker works with the program and meets monthly with parents to inform them of the student's progress.

●WEST PHILADELPHIA HIGH SCHOOL-COMMUNITY FREE SCHOOL
4226 Baltimore Avenue
District 1
Phone: EV 7-4060
Principal: Walter Scott
Coordinator: Milton James

The Community Free School is located in an off-site building. Students are offered the traditional school curriculum, alternative courses, and an opportunity for community-based jobs. The program also provides group guidance and counseling sessions.

•WEST PHILADELPHIA HIGH SCHOOL-COMMUNITY SERVICES ANNEX

4601 Spruce Street
District 1
Phone: GR 1-2519
Principal: Walter Scott
Coordinator: Marjorie Jarvis

This program was established to provide greatly needed help for students with serious emotional and learning problems. Each student's day includes one half-day's instruction in basic skills, and one half-day of services in a community apprenticeship program. Teachers vary their teaching techniques, focusing on the application of concepts to related skills and occupations. Trips to cultural and social events provide motivation and expose students to career opportunities.

•WILSON JUNIOR HIGH SCHOOL-TAKING IN MORE EDUCATION (TIME)

Loretto and Cottman Avenues
District 8
Principal: Harvey Dekraat
Coordinator: Kenneth Styper

Project TIME has developed group dynamics as a tool to understand the social and personal problems of alienated students as related to the educational program. Flexibility in course selection is similar to the freedom of a college program. Innovative courses supplement the traditional academic curriculum and are implemented through various teaching techniques.

•ALTERNATIVE SCHOOLS PROJECT

Coordinator: Gisha Berkowitz
Linda Wilson (Alternative West)
Alternative East: Greenwood Avenue and Watt Lane, Wyncote, Penna. 19095
Alternative West: 237 Upper Gulph Road, Radnor, Pennsylvania 19087

This program contains over 300 high school students and represents a cooperative venture between the School District of Philadelphia and five Suburban school districts: Abington, Cheltenham, Lower Merion, Radnor and Springfield. Students, parents and staff work together to implement the concept of the school as a community. They cooperatively participate in curriculum planning, and operating the physical plant. Small class size and individualized instruction promote close student/teacher relationships.

The Alternative Schools Project is designing ways of teaching and learning that attempt to provide each student with the opportunity to develop in ways best suited to his abilities and interests. Innovations in curriculum, scheduling and management complement more traditional offerings in areas such as math, science and language. Interdisciplinary programs explore real problems involving the interrelationship of ideas and concepts. Each student is encouraged to participate in a community centered activity. Time is set aside to facilitate in-depth study, extended travel or work. An open campus policy gives students experience in assuming responsibility for his or her own actions.

APPENDIX I--CRITERIA FOR ELEMENTARY ALTERNATIVE PROGRAM PROPOSALS

CRITERIA

Listed below are those areas which should be incorporated into most of the ELEMENTARY ALTERNATIVE PROGRAM PROPOSALS. These will serve as criteria upon which the proposal review committee will evaluate your program for funding.

CRITERIA		RECOMMENDATIONS OR COMMENTS
1.	The proposal will describe a complete alternative educational program of studies appropriate for elementary children. All proposals should include a unique approach for studies in the areas of basic skills, general content areas, as well as art forms, music and dramatics.	
2.	Activities which will be employed to effect the educational program described will be clearly delineated in the proposal.	
3.	Supplies and equipment necessary to conduct the program will be described in the proposal and reflected in the budget.	
4.	Staff necessary to conduct the program and selection criteria will be described in the proposal and reflected in the budget.	
5.	The proposal will clearly describe the student population to be served, admission procedures and numbers, and show the relationship of the students needs to the process and product objectives of the program.	
6.	The process and product objectives of each proposed program will be clearly stated along with an evaluation plan to assess those objectives.	

CRITERIA

CRITERIA	RECOMMENDATIONS OR COMMENTS
7. A time line which shows calendar events regarding the following will be included in each proposal. Implementation of 1. Educational program 2. Recruiting Students 3. Recruiting Staff 4. Acquisition of supplies and equipment 5. Evaluation of process and product objectives	
8. Indicate that an educational program is being developed which will create an atmosphere where: 1. Emphasis will be on learning. 2. The acceptance of each student as an individual is guaranteed. 3. There will be maintenance of the individuality and originality of the learner. 4. Emphasis will be on the development of an individual's thought processes. 5. Opportunities for children to work at their pace according to their own abilities and interests are guaranteed. 6. There are provisions for an expanded learning environment beyond the walls of the School building, and; 7. Opportunities for peer learning are promoted.	
9. Evidences that an atmosphere conducive to informal interaction between teacher and student will be effected and thus enhance a sense of trust between students and between students and teachers.	

CRITERIA

	CRITERIA	RECOMMENDATIONS OR COMMENTS
10.	Has provision for a guidance and counseling program which will adequately provide for the needs of students identified for the unique program.	
11.	Where applicable, will include a re-entry system into the regular school program.	

APPENDIX II--CRITERIA FOR SECONDARY ALTERNATIVE PROGRAM PROPOSALS

CRITERIA

CRITERIA	RECOMMENDATIONS OR COMMENTS
1. Has a program that is significantly different from the conventional or regular school program. A sample alternative school day roster and a regular school day roster are required so that it will be possible to perceive differences.	
2. Is a total program, not just a short class or a part of the school day.	
3. Has a location, preferably in a community facility, perhaps a wing of a school, or at least a few designated classrooms, so it can be identified geographically from the regular school program. There must be a functional relationship between the off-site unit and the home school.	
4. Clearly defines the student population and the admissions procedure to be served in terms of numbers and description, e.g., 20 academically gifted boys and girls. Student willingness to participate is a criterion.	
5. Demonstrates that normal facilities and allocations as well as various school resources will be integrated into the program (e.g., Chemistry Lab, AID, Reading Program, Motivation Program, Neighborhood Youth Corps, Work Study Program).	
6. Demonstrates the concept of individualized instruction based on variable performance of students.	

I N D E X

	Site	Grades	Type	District	Page #
Academy for Career Education at Olney	On	10-12	Career Ed	7	21
Alternative for Middle Years, District Two	Self-Contained	6-8	Innov	2	21
Alternative Schools Project	Off	10-12	Innov Coop.	2	52
Bache Alternative Program	On	4-6	Remed Motiv	2	5
Barrat: Individualized Instruction in Basic Skills	On	8	Peer Tutoring Career	2	21
Bartlett: Learning Alternative for Disruptive Students	On	7-9	Remed Motiv	3	22
Barton Alternative Program	On	4-6	Remed Motiv	7	5
Bartram Basic Skills and Training School	Off	10-12	Remed Motiv	1	22
Bartram School for Human Services	Off	10-12	Career Human Service	1	22
Beeber Academy	Off	9	Motiv	4	23
Beeber/Wynnefield		Jr High	Academically Talented	4	23
Bishop Learning Center	Self-Contained	7-9	Remed Motiv	4	24
Bok: Program for Alternative in Vocational Education	On	10-12	Remed Voc Ed	3	24
Brown: The Meta Class	On	5-6	Remed	5	5

	Site	Grades	Type	District	Page #
Central: Independent Study and Off-site Internship Programs	On	9-12	Ind. & Work Study	6	25
Cooke Learning Experience Center	Off	9	Motiv Career	7	25
Decatur Alternative Program	On	4, 5	Open Motiv	8	6
Dick Alternative Program	On	4-6	Art Motiv	4	6
Disston: Project Success	On	6-8	Motiv Couns	8	6
District III Cluster	Self-Contained	9-12	Remed Girls	3	26
Dobbins Area Mini Vocational-Technical School	Off	10-12	Couns	4	26
Edison Project Dropout Prevention Center	Off	10-12	Dropout Prevention Open	5	27
Edison Electrical Academy	On	10-12	Career	5	27
Fels: Super School	On	8-9	Remed	8	28
Fitzpatrick: Growth, Response, Achievement, Self-esteem, Participation	On	2	Enrich	8	7

	Site	Grades	Type	District	Page #
Franklin Learning Center	Self-Contained	9-12 Adult	6 Programs	2	28
Franklin/Penn Alternative Program	Off	10-12	Remed Couns Career	2	30
Freedman School of Humanities	Off	6-8	Humanities	6	30
Furness: SNAP	On	7-8	Remed	3	31
Germantown: Urban Career Education Center	On	11-12	Career	6	31
Germantown/King: Paired High School Alternative Program for Talented Students	On	9-12	Talented	6	33
Girard: Motivation through Music	Off	4-5	Music	2	8
Gratz: Content Area Reading Experiences	On	10-12	Remed	4	33
Gratz Automotive Sciences	On		Spec. Interest	4	33
Harding: Learning Tree	Off	9	Voc. Ed Motiv	7	34
Harrington: Getting to Know You	See Program Description			1	8
Jackson Alternative Program	On	7	Motiv	3	9
Jones Alternative Program	Off	9	Dropout Prevention	5	34
Kensington Pre-paramedic Corps	Off	10-12	Motiv Career	5	35

	Site	Grades	Type	District	Page #
King: Selecting Alternatives through Education	Off	9-10	Remed	6	35
King: Open Classroom	On	9-10	Open	6	36
Lamberton Alternative Program	Off	8-11	Innov	4	36
Lea: Open Classroom	On	7-8	Open	1	37
Lewis Alternative Program	On	6-7	Motiv.	6	37
Lincoln: Cooperative Approach to Business Learning Experiences and Operation ACHIEVE	On	9-12	Career Remed	8	37
Lincoln: Program for Musically Gifted Children	On	9-12	Music	8	38
Lingelbach: School of Humanities	On	1-5	Multi-aged Groups	6	9
Lower Kensington Environmental School	Self-Contained	7-10	Remed	5	38
Mann: The Enrichment Center	On	3-6	Enrich	4	10
Mastbaum: Big Brother Vocational Articulation Program	On	8-9	Enrich Career		39
McCloskey: Junior Experience Training	On	4-5	Career Enrich	6	10
McClure: Learning Unlimited	Off	4-6	Innov.	7	11
Meade: Returning to Learning	On	4-6	Attend. Motiv	2	11
Middle Years Alternative District I	Self-Contained	5-7	Innov.	1	39

	Site	Grades	Type	District	Page #
Miller: Language Skills Development through Cooking	On	4-6	Remed	5	12
Mini- Alternatives District III	On	El.	Individ b.s Motiv	3	12
Neighborhood Education and Counseling Center, Franklin House	Self-Contained	9-12	Couns. Motiv. Innov.	5	39
Northeast Alternative Learning Program	On	10-12	Open	8	40
Overbrook: Alternative program	On	9-12	Dropout Prevention Career	4	41
Overbrook: Naval Junior Reserve Officers' Training Corps	On	9-12	Spec. Interest	4	41
Parkway Program	School Without Walls	9-12	Innov. Varied	2	41
Penn Treaty: BEST,	Off	Girls 9	Career Attend.	5	42
Penn Treaty: DRIVE	On	8-9 Boys	Attend.	5	42
Penn Treaty: PEP	Off	9-10 Boys	Attend. Career	5	42
Pennsylvania Advancement School/ Intensive Learning Center	Self-Contained	K-8	Innov. Remed	7	42
Pennypacker: School of Expressive Arts	On	1-5	Arts	6	12

	Site	Grades	Type	District	Page #
Phila. High School for Girls: Operation Self-Realization	On	9-12	Ind. Study Spec. Interest	8	43
Pickett Alternative Program	On	6-7	Remed Peer Tutoring/ Career	6	43
Powel Alternative Program	On	4-5	Reading	1	13
Pratt-Arnold: Tutorial Community	On	4-5	Cross Age Tutoring	4	13
Prince Hall: Project Parkway	On	4-6	Motiv Ind. Instr.	6	13
Rhoads: School for Community Service	On	5-6	Motiv Attend. Remed.	1	15
Rhodes Alternative Program	On	7-8	Innov.	4	44
Roosevelt: Operation Prestige	On	7-8	Remed Enrich	6	44
Rowen: Child Benefit Class	On	4-6	Couns. Remed	6	15
Roxborough Alternative Program	Off	9-12	Innov	6	45
Rush Alternative Program	On	7-8	Ope.. Motiv	8	45
Sartain Alternative Program	On	1	Open	2	16
Sayre Alternative Program	On	8	Remed Career	1	46
Society Hill Playhouse: Phila. Youth Theatre/Alternative	Self-Contained	11-12	Theatre	3	46

	Site	Grades	Type	District	Page #
Southern Alternative Learning Experience	Off	10	Remed Couns. Ind. Instr.	3	45
Stetson Alternative Program	On	8-9	Remed	5	47
Stoddard-Fleisher: Mini-school	On	7-8	At Remed	3	47
Sulzberger Career Education	On	7-8	Career Remed	1	47
Taylor Alternative Program	On	4-5	Career Couns.	7	16
Tioga Community Youth Center	Self-Contained	9-12	Remed Couns. Career	4	48
Turner: Center for the Performing Arts	On	8	Multi-media Innov.	1	48
University City: Business Academy	On	10-12	Career	1	49
Vare: Vocational Experience Center	Off	7-9	Voc. Ed.	2	49
Vaux Alternative Program	On	8-9	Career Child Care Couns	2	49
Wagner Alternative Program	On	7-9	Remed	6	50
Wanamaker: Project Change	On	8-9	Couns.	5	50
Washington Elem: Project Attain	On	7-8	Motiv. Remed	3	16
Welsh Alternative Program	On	4-6	Ind. Instr. Remed.	5	17

	Site	Grades	Type	District	Page #
West Philadelphia/University City: Individualized Study Program	On	9-12	Innov. Non-Grade Ind. Insts.	1	51
Sunnycrest Academy	Off	9-12	Remed	1	51
West Philadelphia: Community Free School	Off	9-12	Free School	1	51
Community Service Annex	Off	10-11	Couns. Career	1	52
Wilson: Taking in More Education	On	7-9	Innov.	8	52

DIRECTORY OF ALTERNATIVE PUBLIC SCHOOLS

1975

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Bloomington, Indiana 47401

DIRECTORY OF ALTERNATIVE PUBLIC SCHOOLS

ALASKA

Anchorage: Project Save, Anchorage Borough School District, 5300 A Street, Anchorage, AL 90503. Multi-Cultural, Grades 9-12, 100-200 Students.

Douglas: Project Careers, Box 529, Douglas, AL 99824. Multi-Curtural.

Fairbanks: Career Extension, Fairbanks-North Star Borough School District, Box 1250, Fairbanks, AL 99707. Grades 9-12, 50-100 Students, Multi-Cultural.

Juneau: Alternative High School/Project Careers, P.O. Box 709, Juneau, AL 99801. Continuation School, 150 Students, Ages 12 - Adult.

Anchorage: Anchorage Evening High School, 2650 E. Northern Lights Blvd., Anchorage, AL 99504. 14-20 Years, 400 Students.

Steller Secondary Alternative School, 2500 Blueberry Lane, Anchorage, AL 99503. Grades 7-12, 140 Students.

ARIZONA

Phoenix: Continuing Education Center, 512 Pierce E., Phoenix, AZ 120 Students.

Tucson: Tucson High School, Extended Day Program, 400 N. 2nd Avenue, Tucson, AZ 85705. Continuation School, Ages 13-42 (average ages 18-19), 300 Students.

Project MORE, c/o Lineweaver Elementary School, 461 S. Bryant, Tucson, AZ 85711. School-Without-Walls, Grades 10-12.

Exploratory Learning Center, 1400 E. Broadway, Tucson, AZ 85719. Learning Center, K-6, 350 Students.

Arkansas

Little Rock: Opportunity School, 13th and Pine St., Little Rock, Ark. 72204. Open School, 90 Students, Ages 13-15.

CALIFORNIA

Alameda: Alameda City Unified District, Island High School, Open/School Without Walls, 2437 Eagle Ave., Alameda, CA 94501. Grades 11-12, 204 Students.

Alhambra: Alhambra Alternative School, 101 S. Second St., Alhambra, CA 91801. School Within A School, Grades 10-12, 50-100 Students.

Alum Rock: Anthony Dorsa School, 1290 Bal Harbor Dr., 95122. 2 Schools: Communication-Plus-K-6, The World of Fine Arts-K-6. Voucher Program

Clyde Arbuckle School, 1970 Cinderella Lane, Alum Rock, CA 95116. 3 Schools: Learn By Doing 1-5, Learning for Life School 1-5, The Traditional School 1-5.VP

Clyde Fischer School, 1720 Hopkins Dr., Alum Rock, CA 95122. Grades 6-8. Voucher Program.

Donal Meyer School, 1824 Daytona Dr., Alum Rock, CA 95122. Voucher Program. 6 Schools: Extension of Mini-School Programs 6-8, Basic Skills Program K-8, Sullivan Individualized Language Arts System K-8, Down-To-Earth 4-6, Fine Arts for Creative Expression K-8, School 2000 is Future Oriented 1-8.

Grandin Miller School, 1259 S. King Rd., Alum Rock, CA 95122. Voucher Program. 3 Schools: Basic Academic Skills Program K-6, Mini School K-6, Multi Cultural Program K-6.

Mayfair School, 2000 Kammerer Ave., Alum Rock, CA 95116. Voucher Program. 4 Schools: The Bilingual-Bicultural School K-5, Learning Tree K-5, Maximum Exposure in Education K-5, People to People K-5.

Mildred Goss School, 2475 Van Winkle Lane, Alum Rock, CA 95116. Voucher Program. 3 Schools: Learning Unlimited K-6, Reading Enrichment & Discovery School K-6, Seventh Grade Program.

Millard McCollam School, 3311 Lucian Ave., Alum Rock, CA 95127. Voucher Program. 4 Schools: Continuous Progress Learning K-5, Enrichment School 3-5, Individualized Learning Program K-5, Traditional School K-5.

O. S. Hubbard School, 1745 June Ave., Alum Rock, CA 95122. Voucher Program. 2 Schools: Adventures in Learning School K-5, Total Experience School K-5.

Pala School, 149 N. White Rd., Alum Rock, CA 95127. Voucher Program. 5 Schools: Creative Arts Program 6-8, Fine Arts Program 6-8, Math/Science Program 6-8, "Three R's" Plus School 6-8, Life Time Sports-Middle School.

Richard Conniff School, 3485 E. Hills Dr., Alum Rock, CA 95127. Voucher Program. 3 Schools: Bi-Lingual/Bi-Cultural School, Spanish/English K-5, Success School 1-5.

Sylvia Cassell School, 1300 Tallahassee Dr., Alum Rock, CA 95122. Voucher Program. 4 Schools: Cultural Arts Program 1-5, Daily Living 1-6, Kindergarten, The Traditional Plus Program: Enriched Approaches to Basic Educ. 1-5.

William Sheppard School, 480 Rough and Ready Dr., Alum Rock, CA 95133. Voucher Program. 3 Schools: Creative Achievement Center 6-8, Individualized Learning Program 6-8, Traditional Learning Program 6-8.

Alviso: George Mayne School, Taylor and School Sts., Alviso, CA 95002. Pre K-6, 475 Students.

Anaheim: Anaheim High School, Learning Center Program, 811 W. Lincoln Ave., Anaheim, CA 92805. Grades 11-12, 90 Students.

Arroyo:Grande: Lopez High School, 1221 Ash Ave., Arroyo Grande, CA 93420. Continuation School, Grades 9-12, 165 Students.

CALIFORNIA

Azusa: Camp Oak Grove, Box 500, Azusa, CA 91702. School Within A School, Grades 5-9, 15-40 Students.

Citrus Continuation High School, 456 5th St., Azusa, CA 91702. Free School: Grades 9-12, 200 Students, Teenage Parents: Grades 9-12, 35 Students.

Paramount, Lee Elementary, Azusa High, 546 S. Citrus Ave., Azusa, CA 91702. Bilingual/Bicultural Program, Grades K-2: 180 Students, Grades 9-12: 40 Students.

Bakersfield: Alternative Education Program (Planning), 2000th 24th St., Bakersfield, CA 93301. Grades 11-12, 140 Students.

District Continuation Program, 200 P St., Bakersfield, CA 93304. Continuation School, Grades 10-12, 500 Students.

Barstow: Central High School, 405 N. Second St., (Mail address: 555 S. "H" St.), Barstow, CA 92311. Continuation School, Grades 9-12, 120 Students.

Fredricks Street School, 409 E. Fredricks, Barstow, CA. Pregnancy/Maternity School, Grades 9-12, 30 Students.

Bellflower: Somerset Continuation High School, 9242 E. Laurel, Bellflower, CA 90706. Continuation School, Grades 9-12, 235 Students.

Berkeley AGORA, Berkeley High Campus, Berkeley CA 94704. Multi-Cultural School, Grades 10-12, 100 Students.

Berkeley College Preparatory, Berkeley High School Campus, 2246 Milvia St., Berkeley, CA 94704. School Within A School, Grades 10-12, 150 Students.

Early Learning Center, 1809 Bancroft Way, Berkeley, CA. Multi-Cultural School, Grades Pre K-3, 75 Students.

East Campus, 1925 Derby, Berkeley, CA. Learning Center, Grades 9-12, 175 Students.

Franklin Alternative School, 1150 Virginia St., Berkeley, CA 94702. Multi-Cultural, School Within A School, Grades 4-6, 500 Students.

Genesis, Community High School, Administrative Building, Berkeley High Campus, 2246 Milvia, Berkeley, CA 94704. Open School, School Within A School, Grades 10-12, 160 Students.

Jefferson Elementary, 1400 Ada St., Berkeley, CA 94702. Multi-Cultural, School Within A School, Grades K-3, 500 Students.

Jefferson Tri-Part Model, Rose at Sacramento Sts., Berkeley, CA. Traditional, Individualized, Multi-Cultural, Schools Within A School, Grades K-3, 567 Students.

John Muir School, 2955 Claremont Ave., Berkeley, CA 94708. Open School, Environmental Learning Center, Grades K-3, 386 Students.

K.A.R.E., King Junior High School Campus, 1781 Rose St., Berkeley, CA. School Within A School, Grades 7-8, 142 Students.

Kilimanjaro, 1820 Scenic Ave., Berkeley, CA. Community Centered Free School, Grades K-6, 50 Students.

Malcolm X Environmental Studies Program, 1731 Prince St., Berkeley, CA 94702. Multi-Cultural, Environmental Learning Center, Grades 4-6, 90 Students.

Marcus Garvey Institute, 2107 Fourth St., Berkeley, CA. Learning Center, Grades 9-12, 60 Students.

Model A, Berkeley High Campus, 2246 Milvia St., Berkeley, CA 94704. Multi-Cultural, School Within A School, Grades 10-12, 400 Students.

Odyssey, Milbia and Stewart Ave., Berkeley, CA 94703. Open School, Grades 7-9, 100-200 Students.

CALIFORNIA

Berkeley: On Target, Berkeley High Campus, 2246 Milvia St., Berkeley, CA 94704. Learning Center, School Within A School, Grades 10-12, 100-200 Students.

School of The Arts, Berkeley High School Campus, Community Theatre Building, Room 102, 2246 Milvia St., Berkeley, CA 94704. Multi-Cultural, Learning Center, Grades 10-12, 220 Students.

West Campus-Basic Skills, 1222 Universsity Ave., Berkeley, CA. Grade 9, 75 Students.

Career Exploration, West Campus, 1222 University Ave., Berkeley, CA. Grade 9, 100 Students.

West Campus HUI, 1222 University Ave., Berkeley, CA. Learning Center, Grades 9-10, 100 Students.

West Campus Work Study, 1222 University Ave., Berkeley, CA. Grade 9, 50 Students.

Willard Alternative, Willard Junior High School, 2425 Stuart St., Berkeley, CA. Open School, Grades 7-8, 150 Students.

United Nations West, 2131 4th St., Berkeley, CA 94702. (P.O. Box 2267), Multi-Cultural School, Grades 9-12, 75 Students.

Yoga Reading 9D, 1222 University Ave., Berkeley, CA 94702. School Within A School, Grade 9, 50 Students.

Beverly Hills: Applied Education Center, 241 Moreno Dr., Beverly Hills High School, Beverly Hills, CA 90212. School Within A School.

The Newbridge School, 8844 Burton Way, Beverly Hills, CA 90211.

Brawley: Desert Valley High School, North Imperial Ave., Brawley, CA 92227. Continuation School, Grades 9-12, 40-70 Students.

Brea: Brea Olinda High School, "Expanded Independent Study: An Alternative Approach", 803 E. Birch St., Brea, CA 92621. Grades 11-12, 16 Students.

Capistrano Beach: San Clemente High, Dana Hills High, Marco Forster Junior High, 26126 Victoria Blvd., Capistrano Beach, CA 92624. Opportunity Schools, Grades 7-12, 78 Students.

Calipatria: Calipatria High School, P.O. Box "G", Calipatria, CA 92233. School Within A School, Grades 9-12, 12 Students.

Cambria: Coast Joint Union High School, Drawer D, Cambria, CA 93428. Opportunity/Continuation School, Grades 9-12, 18 Students.

Cardiff-By-The-Sea: San Dieguito High School, 2151 Newcastle, Cardiff-By-The-Sea, CA 92007. School Within A School, Grades 9-12, 150 Students.

Cedarville: Surprise Valley High School, P.O. Box 28 F, Cedarville, CA 96104. School Without Walls, Grades 9-12, 12-30 Students.

Ceres: Argus High School, P.O. Box 307, Ceres, CA 95307. Continuation School, Grades 9-12, 130 Students.

Ceres High School, Alternate Ways Program, P.O. Box 307, Ceres, CA 95307. School Within A School, Grades 9-12, 18 Students.

Charter Oak: Arrow High School, 21329 E. Cienega, Charter Oak, CA 91723. Continuation School, Grades 9-12, 71 Students.

Chula Vista: John J. Montgomery Elementary School, 1601 Hermosa, Chula Vista, CA 92010. Bilingual-Multi-Cultural, Grades K-4, 300 Students.

Rosebank Elementary School, 80 Flower St., Chula Vista, CA 92010. School Within A School, Grades K-6, 500 Students.

CALIFORNIA

Chico: Chico Unified District, Fair View High School, 2357 Fair St., Chico, CA 95926. Pregnant Minor Program, Grades 9-12; 1-11 Students.

Claremont: Claremont High School (Planning), 1701 North Indian Hill Blvd. Claremont, CA 91711. School Within A School, Grades 9-12.

Clovis: Clovis Opportunity School, 901 5th St., Clovis, CA 93612. Grades 7-8, 21 Students.

Gateway School, 901 5th St., Clovis, CA 93612. Continuation School, Grades 9-12, 197 Students.

Colton: Slover Mountain High School, 325 Hermosa Ave., Colton, CA 92324. Continuation School, Grades 9-12, 185 Students.

Compton: College Program for High School Students, 604 S. Tamarind Ave., Compton, CA 90221. Grades 10-12, 282 Students.

Dominguez Senior High School, 15301 San Jose Ave., Compton, CA 90221. Advanced Communication Techniques: Grades 11-12, 53 Students. Career Assistance Program: Grades 11-12, 53 Students.

Executive Internship Program, 1301 S. Oleander, Compton, CA 90220. Grades 11-12, 25 Students.

Costa Mesa: Costa Mesa High School, Mesa Alternative, 2650 Fairview Road, Costa Mesa, CA 92626. School Within A School, Grades 9-12, 50 Students.

School Age Mother Program, 1857 Placentia Ave., Costa Mesa, CA 92627. Continuation School, Grades 9-12, 20 Students.

Covelo: Round Valley High School, P.O. Box 206, Covelo, CA 95428. Continuation Class, Grades 9-12, 18 Students.

Cupertino: Open Program, Eaton School, Cupertino Union Sch. District, 10301 Vista Dr., Cupertino, CA. 170 Students.

SURE (Self-Understanding and Realization in Education), Monta Vista School, Cupertino Union School District, 10301 Vista Dr., Cupertino, CA 95014. School Within A School, Grades 3-6, 61 Students.

Dana Point: Committee to Study Proposal for Alternative High School, Capistrano Unified School District, Dana Point, CA. Planning Stage.

Daly City: Panorama School, 25 Bellevue Ave., Daly City, CA 94014. Multi Grades/ Open School, Grades K-1: 75 Students, Grades 5-6: 90 Students.

Wilderness School, Community Environmental Education High School, 6996 Mission St., Daly City, CA 94017. School Within A School, Grades 11-12, 250 Students.

Danville: Baldwin School, Danville Public Schools, Danville, CA 94526. Three Schools Within A School - each with own program - Open School, School Without Walls, Grades K-6, 710 Students.

Dinuba: Magnolia High School, Box 125, Dinuba, CA 93618. Continuation School, Grades 9-12, 53 Students.

Eagle Rock: Area H Alternative School, 4160 Eagle Rock Blvd., Eagle Rock, CA 90065. Open School, Grades K-12, 300 Students.

El Centro: Park Avenue Continuation H. S., 555 Park Avenue, El Centro, CA 92243. Continuation School, Grades 9-12, 120 Students.

Encino: Open Classroom Environmental Education Project 1970-74, International Center for Educational Development, 16161 Bentura Blvd., Encino, CA 91316. Open Schools in 4 locations:

> Grand View School, Manhattan Beach City School District, Grades K-6, 500 Students.
>
> Grape St. Elementary School, Los Angeles, CA 90059, Grades K-6, 1000 Students.

CALIFORNIA

Encino:

Palomar Elementary School, Chula Vista, CA 92011, Grades K-6, 675 Students.

Kew-Bennet Elementary Schools, Inglewood, CA 90303. Grades K-3 and 6, 630 Students.

Valley Alternative School, c/o 5064 Encino Ave., Encino, CA 91316.

Eureka: Teenage Mother Program, 2500 "E" St., Eureka, CA 95501. Pregnancy-Maternity Center, Grades 7-12, 15 Students.

Fallbrook: Fallbrook Union High School, P.O. Box 368, Fallbrook, CA 92028. Continuation School, Grades 9-12, 30 Students.

Fontana: Birch High School, 8330 Locust St., Fontana, CA 92335. Continuation School, Grades 10-12, 130 Students.

Foster City: Audubon School, 841 Gull Ave., Foster City, CA. Multi-age/Continuous Progress, Grades 1-5, 81 Students.

Fremont: Alternative School, Irvington High School, 41800 Blacow Rd., Fremont, CA 94538. School Without Walls, Grades 9-10, 60 Students.

Fremont Unified District, Williamson High School, 3400 Eggers Dr., Fremont, CA 94536. Continuation School, Grades 9-12, 325 Students.

Fullerton: Alternative High School, Fullerton Union High School, 210 E. Chapman, Fullerton, California 92632. School Within A School, Ages 14-18, 86 Students.

Community Open School, c/o Maple Community Center, 244 E. Valencia Dr., Fullerton, CA 92633. Open School, School Without Walls, Grades K-8, Ages 5-14, 80 Students.

Fullerton Union High School, 201 E. Chapman Ave., Fullerton, CA 92634. School Within A School, Grades 9-12, 65-85 Students.

La Vista High School, 909 N. State College Blvd., Fullerton, CA 92631. Expectant Minors Program, Grades 9-12, 10 Students.

Sunny Hills High School, 1801 Warburton Way, Fullerton, CA 92633. School Within A School: Grades 9-10, 84 Students. Independent Study Program: Grades 9-12, 88 Students.

Troy High School, Project Succeed (EH) 220 E. Dorothy Lane, Fullerton, CA 92631. Opportunity School, Grades 9-12, 150 Students.

Galt: Estrellita High School, Galt High School, 145 N. Lincoln Way, Galt, CA 94632. Continuation School, Grades 11-12, 72 Students.

Gardena: Creative Children's School, 2921 W. Rosecrans Ave., Gardena, CA 90249. Ages 4, 9-13.

Glendale: Allan F. Daily High School, 220 N. Kenwood, Glendale, CA 91206. Continuation/Open School, Grades 10-12, 350 Students.

Goleta: Dos Pueblos High School, 7266 Alameda Ave., Goleta, CA. School Within A School, Grades 9-12, 100 Students.

Granada Hills: Granada Hills High School, 10535 Zelzah Ave., Granada Hills, CA 91344. School Within A School, Grades 10-12, 150 Students.

Hamilton City: Hamilton Union High School, Box 488, Hamilton City, CA 95951. Continuation School, Grades 9-12, 14 Students.

Hawthorne: Juan Cabrillo Elementary, 5309 W. 135th St., Hawthorne, CA 90250. School Within A School/Free School, Grades 4-6, 23 Students.

CALIFORNIA

Hayward: Hayward Unified District, Kimball Continuation High School, 1130 Kimball Ave., Hayward, CA 94541. Pregnancy-Maternity Center, Grades 7-12, 20 Students.

Laurel School, P.O. Box 5000, Hayward, CA. School Within A School, Grades K-3, 31 Students.

Hermosa Beach: South Bay Community School, 1956 Monterey Blvd., Hermosa Beach, CA.

Hollister: Career Opportunity School, 3230 Southside Rd., Hollister, CA 95023. Continuation/Probation School, Grades 7-12, 91 Students.

Hughson: Billy Joe Dickens High School, P.O. Box 98, Hughson, CA 95326. Continuation School, Grades 9-12, 19 Students.

Huntington Beach: CAP-Career Assistance Program, Compton Senior High School, McDonnell Douglas Astronautics Co., 5301 Bolsa Ave., Huntington Beach, CA. Grades 11-12, 13 Students.

City Intern Program, 1902 17th St., Huntington Beach, CA 92646. Grades 11-12, 60 Students.

Evening High School, 17200 Goldenwest Ave., Huntington Beach, CA 92647. Continuation School, Grades 9-12, 270 Students.

Wintersburg High School, 17200 Goldenwest, Huntington Beach, CA 92647. Continuation School, Grades 9-12, 286 Students.

Idyllwild: Idyllwild Elementary, Idyllwild, CA 92349.

LIFE Alternative School (Living in Free Education), Idyllwild, CA. Free School, Grades 8-10, 42 Students.

Inglewood: Creative Program School, 10500 S. Yukon Ave., Inglewood, CA 90303. School Within A School, Grades 10-12, 160 Students.

Irvine: SELF (Secondary Education Learning Facilitator), Irvine Unified District. Learning Center, Grades 9-12, 100-300 Students. Planning Stage.

Kingsburg: Fowler Unified District, Oasis High School, 1415 Marion St., Kingsburg, CA 93631. Continuation School, Grades 9-12, 48 Students.

La Habra: Lowell High School, Alternative School, 16200 Amber Valley Dr., P.O. Box 171, La Habra, CA 90631. Grades 10-12, 100 Students.

Lakewood: Artesia High School, 12108 E. Del Amo Blvd., Lakewood, CA 90715. Opportunity/Extended Program, Grades 9-12, 28 Day and 52 Evening Students.

La Mesa: La Presa Junior High School, 4750 Date Ave., P.O. Box 457, La Mesa, CA 92041. School Without Walls, Grades 7-8, 80 Students.

Larkspur: Drake-High School, Devonshire Hall, San Anselmo Campus, Larkspur, CA 94939. School Within A School, Grades 9-12, 125 Students.

Redwood High On-Location Program, Larkspur, CA 94939. School Without Walls, Grade 12, 51 Students.

Linden: Linden High School, P.O. Box 242, Linden, CA 95236. Continuation School, Grades 10-12, 9 Students.

Livermore: Livermore High School (Opportunity), 1701 El Padro Dr., Livermore, CA 94550. School Within A School, Grades 7-8, 37 Students.

Del Valle Continuation High School, Livermore Valley Unified District, 405 Las Positas Blvd., Livermore, CA 94550. Grades 9-12, 96 Students.

Granada High School, Livermore Valley Unified District, 400 Wall St., Livermore, CA 94550. Bilingual/Bicultural Studies Program, Grades 9-12, 96 Students.

CALIFORNIA

Livermore: William Mendenhall School, 1701 El Padro Dr., Livermore, CA 94550. School Within A School, Grades 7-8, 130 Students.

Lompoc: Maple High School, P.O. Box "H", Lompoc, CA. Continuation School, Grades 9-12, 62 Students.

Los Altos: Alternative Program, Los Altos High School, 201 Almond Ave., Los Altos, CA 94022. School Without Walls, School Within A School, Grades 9-12, 30 Students.

Covington Junior High School, Ranch Experience Program, Covington Road, Los Altos, CA 94022. School Within A School, Grades 7-8, 20 Students.

Los Angeles: Anadysis Institute, 1394 Westwood Boulevard, Los Angeles, CA 90024.

Area D. Alternative School, 3871 Grandview Ave., Los Angeles, CA 90066. Open School, Grades K-12, 300 Students.

Canfield-Cresent Heights Community School, Los Angeles Unified School District, 1650 Alvira St., Los Angeles, CA 90035. Open Schools. Grades K-6, 60 Students-Canfield Elementary. Grades 3-6, 60 Students-Cresent Heights.

Carthay Center Elementary, 6351 W. Olympic Blvd., Los Angeles, CA 90048. Open School, Grades K-6, 600 Students.

Concord High School, 2602 Overland Ave., Los Angeles, CA 90064.

Granada Hills High School, Los Angeles Unified School District, 10535 Zelzah Ave. Granada Hills, CA 91344. Open School, School Within A School, 150 Students, Grades 10-12.

Crenshaw Alternative School, 5010 11th Ave., Los Angeles, CA 90043. School Within A School, Grades 10-12, 150 Students.

Henry Clay Junior High School, Los Angeles Unified School District, 12226 S. Western Ave., Los Angeles, CA 90047. School Within A School, School Without Failure, Grades 7-9, 22 Students.

Hollywood High School Alternative, Los Angeles Unified School District, 1521 N. Highland Ave., Los Angeles, CA 90028. School Within A School, Grades 11-12, 175 Students.

John F. Kennedy High School, Los Angeles Unified School District, 11254 Gothic Ave., Granada Hills, CA 91344. School Within A School, Grades 10-12, 150 Students.

Los Angeles "Area E" Alternative School, 3320 W. Adams, Los Angeles, CA. Open School/Multi-Cultural, Grades K-12, 300 Students.

Los Angeles Area "H" Alternative School, c/o Los Angeles Area H, 4160 Eagle Rock Blvd., Los Angeles, CA 90041. Open School/Multi-Cultural, Grades K-12, 300 Students.

Luther Burbank Junior High School, 6460 N. Figueroa St., Los Angeles, CA 90042. Learning Center, All Grade Levels, 105 Students.

Metropolitan High School, 1822 E. Seventh St., Los Angeles, CA 90021. Multi-Cultural/Learning Center, Grades 10-12, 330 Students.

Mobile Open Classrooms (MOBOC), 12361 Deerbrook Lane, Los Angeles, CA 90049. School Without Walls, Grades 4-8, Students travel in unit of eight.

Modern Playschool-Play Mountain Place, 6063 Hargis St., Los Angeles, CA 90034.

Palisades High School Alternative Program, Los Angeles Unified School District, 15777 Bowdoin St., Pacific Palisades, CA 90272. School Within A School, Grades 11-12, 100 Students.

Poseidon School, 11811 W. Pico Blvd., Los Angeles, CA 90064.

CALIFORNIA

Los Angeles: Sylmar High School, Los Angeles Unified School District, 13050 Borden Ave., Sylmar, CA 91342. School Within A School, Grades 10-12, 150 Students.

University High School, 11800 Texas Ave., Los Angeles, CA 90025. Below are four Schools Within A School located at University High School:

> American Studies School, Schools Within A School program designed to expand the awareness of contemporary social, political, and economic issues. Grade 12, 70 Students.
>
> The Eleventh Grade School. Grade 11, 180 Students.
>
> Innovative Program. School Without Walls/Learning Center, Grades 10-12, 165 Students.
>
> Tri School. SWAS program in English, Biology, and Math, Grade 10, 200 Students.

Long Beach: College Intermediate School, 1890 Orange Ave., Long Beach, CA 90806. Magnet School, Grades 4-6, 330 Students.

The New Directions School, 2452 Pacific Ave., Long Beach, CA 90806.

SEA School, Polytechnic High School, Long Beach Unified Schools, 16th and Atlantic Ave., Long Beach, CA 90813. Multi-Cultural/School Within A School, Grades 10-12, 200 Students.

Will J. Reid High School, 221 E. 9th St., Long Beach, CA 90813. Pregnancy-Maternity Center, Day Care Center, Grades 8-12, 19 Infants.

Los Banos: San Luis High School, 125 7th St., Los Banos, CA 93635. Continuation School, Grades 9-12, 30 Students.

Manhattan Beach: Pacific Shores High School, 325 S. Peck, Manhattan Beach, CA 90266. Continuation High School, Grades 9-12, 325 Students.

Manteca: Calla High School, 10500 E. Highway 120, Manteca, CA 95336. Continuation School, Grades 9-12, 135 Students.

Marysville: W. T. Ellis High School, 504 J St., Delmonte Square, Marysville, CA 95901. Continuation School, Grades 9-12, 234 Students.

Mill Valley: Urban on Location, c/o Tamalpais High School, Miller Ave/Camino Alto, Mill Valley, CA 94941. School Without Walls, Grades 10-12, 50 Students.

Modesto: Fairview Open School, W. Whitmore Rd., Modesto, CA 95351. British/American Open School, Grades Pre-School-6. 360 Students.

Fred C. Beyer High School, 1717 Sylvan Ave., Modesto, CA 95355. Open School, School Within A School, Grades 9-12, 1400 Students.

Roosevelt Junior High, 1330 College Ave. Modesto, CA 95350. School Within A School, Grade 7, 120 Students.

Thomas Downey High School, 1000 Coffee Rd., Modesto, CA 95355. Bi-Cultural Program, Grades 9-12, 25 Students.

Tuolumne School, Elective Program, 707 Herndon Rd., Modesto, CA 95351. Grades 4-6, 240 Students.

Monrovia: Canyon High School, 1000 S. Canyon Blvd., Monrovia, CA 91016. Open School/Mini-Courses, Grades 9-12, 130 Students.

Montara: Farallone View Elementary School, Alternative Classroom, LeConte Ave. & Kanoff, Montara, CA 94037. School Within A School, Grades 1-3, 52 Students.

Montclair: Montclair High School, 4725 Benito Ave., Montclair, CA 91763. Continuous Progress-Opportunity School, Grades 9-12, 115 Students.

Montclair High School, 4725 Benito Ave., Montclair, CA 91763. Learning Center, Grades 9-10, 36 Students.

CALIFORNIA

Napa: Linda Vista High School, Teen Mothers, 4149 Linda Vista, Napa, CA 94558. Grades 9-12, 14 Students.

Newark: Newark Unified District, Newark High School (A/P), 6201 Lafayette Ave., Newark, CA 94560. School Within A School, Grades 10-11, 70 Students.

Newman: Newman-Crows Landing Continuation H. S., 707 Hardin Rd., Newman, CA 95360. Continuation School, Grades 9-12, 50 Students.

Newport Beach: Newport Plan, Newport Harbor High School, 600 Irvine Ave., Newport Beach, CA 92660. School Without Walls, Grades 11-12, 50 Students.

Northridge: Valley Alternative School, Los Angeles Unified School District, 18135 Halsted St., Northridge, CA 91324. Open School, Grades K-12, 450 Students.

Novato: Alternative Elementary School, Meadow Park Annex, 600 Bolling Dr., Hamilton Air Force Base, Novato, CA 94947. Open School/Learning Center/Free School, Grades 1-6, 90 Students.

Oakland: All City High School, Oakland, CA. (Will start Summer 1975 - 125 Students)

Career Education High School, 360-22nd St., Oakland, CA. 35 Students.

Crocker Highlands Elementary School, 525 Midcrest Rd., Oakland, CA. Grades K-6.

Intercommunial Youth Institute, 6118 E. 14th St., Oakland, CA 94621. Learning Center, Grades K-6, 96 Students.

Martin Luther King, Jr. School, 960 10th St., Oakland, CA. Grades K-3.

Mosswood Alternative School, Oakland Public Schools, 3612 Websted St., Oakland, CA 94606. Open School, Grades 4-6.

Peralta Elementary School, 469 North St., Oakland, CA 94609. Open School, Grades K-6, 350 Students.

Renaissance Alternative School, 314 E. 10th St., Oakland, CA 94606. Open School, Grades 7-9.

Zoo School, Knowland State Park, Oakland, CA. Grades 11-12.

Ontario: Bon View School, 1515 S. Bon View, Ontario, CA 91764. Open Primary, Grades K-3, 220 Students.

Howard Elementary School, 4650 Howard Ave., Ontario, CA 91761. Multicultural/Bilingual Program, Grades K-3, 120 Students.

Valley View High School, 1801 E. 6th St., Ontario, CA 91764. Continuation School, Grades 9-12, 350 Students.

Orange: Richland High School, 650 N. Batavia, Orange, CA 92669. Continuation School, Grades 9-12, 230 Students.

Orangevale: Casa Roble High School, 9151 Oak Ave., Orangevale, CA 95662. School Within A School, Grades 9-12, 165 Students.

Orinda: Alternative Education Program, Orinda Union School District, Orinda, CA. 3 Optional Schools Within Schools: Wagner Ranch School, Glorietta School, Delrey School. Grades 1-5, 150 Students.

Orosi: Lovell High School, Box 127, Orosi, CA 93277. Continuation School, Grades 9-12, 58 Students.

Pacific Grove: Community-Centered High School, P.O. Box 448, Pacific Grove, CA 93950. Free School/Continuation School, Grades 9-12, 45 Students.

Pacific Palisades: Palisades High School, 15777 Bowdoin St., Pacific Palisades, CA 9027[illegible]. School Within A School, Grades 11-12, 102 Students.

CALIFORNIA

Palm Springs: El Camino High School, 1350 Baristo Rd., Palm Springs, CA 92262. Grades 9-12 (Continuation), Grades 7-8 (Opportunity), 165 Students.

Palo Alto: The Contemporary School, Hoover Elementary School, Palo Alto, CA. Optional School Within A School.

School Within A School, Cubberly High, Palo Alto Public Schools, Palo Alto, CA 94300. School Without Walls, Grades 9-12, 112 Students.

Multicultural School, Ravenswood City School District, Palo Alto, CA. Bilingual and Cultural Instruction, 150 Black Students, 150 Spanish Speaking.

Paramount: Grove High School, 7351 Grove Ave., Paramount, CA 90723. Continuation School: Grades 9-12, 170 Students, Teen Mothers Program: Grades 9-12, 10 Students.

Parlier: Fowler Unified District, Parlier High School, 601 3rd. St., Parlier, CA 93648. Pregnancy-Maternity Center, Grades 8-12, 6 Students.

Pasadena: Alternatives in Education, Pasadena Unified School District, 1505 N. Marengo, Pasadena, CA 91103.

Alternative Oak [illegible]rton, Los Angeles Unified School District, c/o Ms. Elisabeth Jones, Director of Graduate Studies, Pacific Oaks College, Pasadena, CA.

Diversionary School, Operated by Human Relations, Division of Pasadena City, Manager's Office. Excelled Students.

Foothill High School, Continuation School, Grades 9-12, 600 Students.

Fundamental School, Traditional Education, 990 N. Allen, Pasadena, CA 91106. Grades K-8, 1500 Students.

Intermediate Opportunity School, Pasadena, CA. Grades 7-8, 40-150 Students.

Pasadena Alternative School, Pasadena Unified School District, 330 S. Oak Knoll St., Pasadena, CA 91101. Open School, Grades K-12, 300 Students.

Pasadena Evening High School, 1201 S. Marengo, Pasadena, CA 91109. Open School: Grades K-12, 600 Students. Evening School: 300 Students, Grades 9-12.

Pittsburg: Pittsburg High School, 250 School St., Pittsburg, CA 94565. Opportunity Class/School Within A School, Grades 9-12, 45 Students.

Pittsburg Unified District, Adult Educ./Rapid Learning Center, 2000 Railroad Ave., Pittsburg, CA 94565. Street Academies, 9 Adult - 55 Students.

Placentia: School of Educational Alternatives (SEA), Valentia High School Satellite, Placentia United School District, Placentia, CA. 160 Students: 1/2 Anglo, 1/2 Chicano.

Pomona: Park Avenue High School, Young Mother's Education, 605 N. Park Ave., Pomona, CA 91768. Grades 8-12, 20 Students.

Ramona Elementary School, 4225 E. 9th St., Pomona, CA 91766. Bilingual/Bicultural Program, Grades K-2, 86 Students.

Porterville: Citrus High School, 140 S. C Street, Porterville, CA 93257. Continuation School, Grades 9-12, 175 Students.

Poway: Abraxas High School, 13626 Twin Peaks Rd., Poway, CA 92064. Continuation School, Grades 8-12, 175 Students.

Ocean Shores High School, 13626 Twin Peaks Rd., Poway, CA 92064. Continuation School, Grades 10-12, 125 Students.

Princeton: Hamilton Union High School District, Princeton High School, P.O. Box 8, Princeton, CA 95970. Continuation School, Grades 9-12, 9 Students.

CALIFORNIA

Ravenswood: Costano School, Ravenswood City School District, 2160 Euclid Ave., East Palo Alto, CA 94303. Multi-Cultural School, Grades K-6, 80 Students.

Red Bluff: Learning in a Free Environment Program, 1260 Union St., Red Bluff, CA 96080. School Within A School, Grades 10-12, 75 Students.

Redding: Pioneer High School, "Survival School", Redding, CA. Planning Stage, Ages 17-18 - non-college bound.

Redlands: Johnston College, University of Redlands, Redlands, CA 92373.

Redlands High School, 840 E. Citrus, Redlands, CA 92373. School Within A School, Grades 10-12, 150 Students.

Redondo Beach: Center for Student Research and Development, 308 S. Catalina, Redondo Beach, CA 90277.

Riverside: NUEVA VISTA High School, 4041 Pacific Ave., Riverside, CA 92509. Continuation School, Grades 9-12, 125 Students.

Rodeo: John Swett Unified District, Willow High School, Willow Ave., Rodeo, CA 94572. Continuation School, Grades 9-12, 50 Students.

Sacramento: American Legion High School, 3814 4th Ave., Sacramento, CA 95817. Cyesis-Pregnancy/Maternity: Grades 9-12, 105 Students. Continuation School: Grades 11-12, 215 Students.

Executive High School Internship, 3066 Freeport Blvd., Sacramento, CA. School Within A School, Grades 7-12, 32 Students.

Lincoln High School, Sacramento City Unified Schools, 418 P Street, Sacramento, CA 95814. Continuation School Without Walls, Grades 10-12, 225 Students.

Luther Bur[illegible]k High School, 3500 Florin Rd., Sacramento, CA. School Within A School, Grades 11-12, 25 Students.

Mira Loma High School, 4000 Edison Ave., Sacramento, CA 95821. School Within A School, Grades 9-12, 38 Students.

Norte Del Rio Alternative School, 3051 Fairfield St., Sacramento, CA 95815. Magnet School/School Within A School, Grades 10-12, 35 Students.

Salinas: Mount Toro Alternative High School, 753 Vertin Ave., Salinas, CA 93901. Continuation School/Open School, Grades 9-12, 150 Students.

New Directions School, 55 Kip Dr., Salinas, CA 93901. Pregnant Minors School, Grades 9-12, 21 Students.

San Andreas: Calaveras Unified District, Hillmont High School, 395 Oak St., San Andreas, CA 95249. Continuation School, Grades 9-12, 49 Students.

San Anselmo: S.W.A.S., Sir Francis Drake H.S., 1327 Sir Francis Drake Blvd. San Anselmo, CA 94960. School Within A School, Grades 9-12, 125 Students.

Wade Thomas, Ross at Kensington, San Anselmo, CA 94960. School Within A School, Grades 2-6, 25 Students.

San Carlos: Heather School, 2757 Melendy Dr., San Carlos, CA 94070. Open Education Class, Grades 1-3, 27 Students.

Ilios, 2600 Melandy Dr., San Carlos, CA 94070. School Within A School, Grades 10-12, 50-100 Students.

San Clemente: Mission View High School, 700 Avenida Pico, San Clemente, CA 92672. Continuation School, Grades 10-12, 65 Students.

San Diego: Freemont Elementary School, 2375 Congress St., San Diego, CA 92110. Bilingual-Multicultural Program, Grades Pre K-6, 284 Students.

Opportunity School, Grades K-12, 300 Students.

CALIFORNIA

San Diego: San Diego Unified School District Alternative School, 4100 Normal St., San Diego, CA 92103. Multi-Cultural/Open School, Grades K-12, 300 Students.

Samuel F. B. Morse High School, 6905 Skyline Dr., San Diego, CA 92114. Independent Studies Program, Grades 10-12, 50 Students.

Silver Gate Elementary School, 1499 Venice St., San Diego, CA 92107. School Within A School, Grades K-6, 646 Students.

Snyder High School, 1372 12th St., San Diego, CA 92101. Continuation School, Grades 9-12, 460 Students.

Will C. Crawford High School, 4191 55th St., San Diego, CA 92115. School Within A School, Grades 10-12, 200 Students.

Wright Brothers Career High School, 1110 Carolina Lane, San Diego, CA 92102. Opportunity School, Grades 10-12, 160 Students.

Madison Evening Program, San Diego, CA. 285 Students, Continuation School.

Patrick Henry Evening Program, San Diego, CA. 256 Students.

East San Diego: The Alternate School, (Former Muir Elementary School), 6880 Mohawk St., East San Diego, CA. Open School, Grades K-12, 300 Students.

San Dimas: Chaparrel High School, 121 W. Allen Ave., San Dimas, CA 91773. Continuation School, Grades 9-12, 100 Students.

Pregnant Minor Class, 115 W. Allen Ave., San Dimas, CA 91773. No Grade Restriction, 7 Students.

San Francisco: Abraham Lincoln High School, 2162 24th St., San Francisco, CA. Schools Within A School. Opportunity School: Grades 10-12, 100 Students. Continuation School, Grades 10-12, 140 Students.

Alternative Elementary Schools:

Corbett Community School, 500 Corbett Ave. San Francisco, CA 94112. School Within A School, Open Enrollment.

Roof Top School, 2340 Jackson St., San Francisco, CA 94115. School Within A School, Open Enrollment.

Balboa High School, 1000 Cayuga Ave., San Francisco, CA. Open School, Grades 10-12, 145 Students.

Buena Vista Annex, 1225 Shotwell St., San Francisco, CA 94110. Grades 4-6, 280 Students.

Corbett Community School, 500 Corbett Ave., San Francisco, CA 94114. Open Community School, Grades K-6, 186 Students.

District Pregnancy-Maternity Centers, 135 Van Ness Ave., San Francisco, CA. Grades 7-12, 700 Students.

Exploratorium, Palace of Fine Arts, 3601 Lyon St., San Francisco, CA 94123. Learning Center, Geared for General Public and High School Students.

Galileo High School, 1055 Bay St., San Francisco, CA 94109. Continuation Class, Grades 10-12, 12 Students.

Lincoln High School, 2162 24th Ave., San Francisco, CA. School Within A School, Hospital Training Program, Grades 10-12, 45 Students.

Luther Burbank J.H.S., 325 La Grande Ave., San Francisco, CA 94112. Humanities Learning Center, Grades 7-9, 75 Students.

Opportunity II High School, 739 Bryant St., San Francisco, CA 94107. Learning Center, School Without Walls, Grades 10-12, 150 Students.

Opportunity Junior High School, 160 S. Van Ness, San Francisco, CA 94103. Multi-Cultural, Grades 7-9, 100-200 Students.

CALIFORNIA

San Francisco: Second Community, 200 Middle Point Rd., San Francisco, CA. Open School/Parent Participation, Grades K-6, 133 Students.

Student Directed Curriculum, J. Eugene McAteer High School, 555 Portola Dr., San Francisco, CA 94131. Open Multi-Alternative School, Grades 9-12, 106 Students.

J. Eugene McAteer High School, ALTA (Alternative Learning Through Action), 555 Portola Dr., San Francisco, CA 94117. School Within A School, Grades 10-12, 78 Students.

Unity Jr. High, San Francisco Public Schools, 115 Wisconsin St., San Francisco, CA. Open School/Multi-Cultural, Grades 7-9, 150 Students.

Woodrow Wilson H. S., 400 Mansell St., San Francisco, CA. Learning Center, School Within A School, Grade 10, 40 Students.

San Geronimo: Lagunitas School, ABC (Advance Basic Capabilities), P.O. Box 208, San Geronimo, CA 94963. Learning Center, Grades K-6, 97 Students.

San Geronimo, P.O. Box 308, San Geronimo, CA 94963. Open Classroom, Grades K-7, 130 Students.

San Jose: Alternative School, 3235 Union Ave., San Jose, CA 95124. (Planning Stage).

Foothill High School - Halcyon Program, 230 Pala Ave., San Jose, CA 95127. School Within A School, Grades 9-12, 45 Students.

Grow Kids, 2070 East St. Clairn, San Jose, CA 93218.

LeLand High, 6677 Camden Ave., San Jose, CA 95120. School Without Walls, Grades 10-12, 40 Students.

Live Oak High-Kleine Schule, 7046 Via Ramada, San Jose, CA 95139. Satellite/School Within A School, Grades 9-12, 100 Students.

Selma Olinder Elementary School, 50 S. 23rd. St., San Jose, CA 95116. Model School/Bilingual, Grades K-2, 90 Students.

William C. Overfelt High School, Community School, 1835 Cunningham Ave., San Jose, CA. School Within A School, Grades 11-12, 100 Students.

William C. Overfelt High School, Omnibus Program, 1835 Cunningham Ave., San Jose, CA 95122. School Within A School, Environmental Education Center, Grades 10-12, 140 Students.

Young Mothers Program, 1605 Park Ave., San Jose, CA 95116. Continuation School, Grades 7-12, 35 Students, 12 Infants.

San Juan Capistrano: San Juan Annex, 26891 Spring St., San Juan Capistrano, CA 92675. Pregnancy-Maternity Center, Grades 9-12, 20 Students.

San Leandro: San Leandro Unified District, Lincoln High School, 451 W. Joaquin Ave., San Leandro, CA 94577. Continuation School, Grades 9-12, 104 Students.

San Luis Obispo: The Mandala School, P.O. Box 313, San Luis Obispo, CA 93401.

San Mateo: George Hall School, 130 San Miguel Way, San Mateo, CA 94403. Multi-Age Program, Grades 1-5, 81 Students.

Highlands School, 2320 Newport St., San Mateo, CA 94402. Multi-Age/Continuous Progress, Grades 1-5, 81 Students.

Open Education Program, George Hall Elementary, 130 San Miguel, San Mateo, CA 94020. Open Education, Grades K-5, 90 Students.

San Mateo Park School, 161 Clark Dr., San Mateo, CA. Multi-Age/Continuous Progress, Grades 1-5, 81 Students.

San Rafael: Lagnef, 211 Ranchitos Rd., San Rafael, CA 94903. Free School, Grades 9-12, 65 Students.

CALIFORNIA

San Rafael: NEXUS, San Rafael High School, 503 Johnson St., San Rafael, CA 94901. Cross Disciplinary, School Within A School, Grades 11-12, 138 Students.

Pacific Crest, 3rd and E. Street, San Rafael, CA 94960. School Without Walls, Free School, Grades 10-12, 50 Students.

San Ysidro: Bilingual-Bicultural Program, (DAHTHAN), 171 Smythe Ave., San Ysidro, CA. Grades K-4, 2300 Students.

Santa Ana: Career Technical Park Concept, Santa Ana Unified School District, Instructional Resource Center, 210 W. Cubbon, Santa Ana, CA 92701. School Without Walls, (Planning Stage).

Santa Barbara: La Cuesta High School, 321 Ladera St., Santa Barbara, CA 93101. Continuation School, Grades 9-12, 210 Students.

Young Mothers Program, 720 Santa Barbara St., Santa Barbara, CA. Continuation School, Grades 10-12, 25-30 Students.

Santa Clara: Mar Vista High School, 1107 E. Santa Clara, Santa Clara, CA 93001. Voluntary Evening School/Continuation, Grades 9-12, 35 Students.

Westwood Elementary School, 435 Saratoga Ave., Santa Clara, CA 95050. Open School, Grades K-3, 58 Students.

Santa Cruz: Santa Cruz City Elementary District, Community Open School, Santa Cruz, CA. Grades K-8, (Planning Stage).

Santa Fe Springs: Frontier School, 11962 E. Florence Ave., Santa Fe Springs, CA 90670. Pregnancy-Maternity Center, Grades 9-12, 22-35 Students.

Santa Maria: Delta High School, 251 E. Clark, Santa Maria, CA 93454. Tri-School Model, Grades 9-12, 200 Students.

Minor Parent Program, 251 E. Clark, Santa Maria, CA

Minor Parent Program, 251 E. Clark, Santa Maria, CA 93454. Continuation School, 20 Students.

Santa Monica: Horizons High School, 3304 Pico Blvd., Santa Monica, CA 90405.

Odyssey High School, P.O. Box 5272, Santa Monica, CA 90405.

Pacific Hills School, 501 Broadway, Santa Monica, CA.

Santa Monica Alternative School, 1651 16th St., Santa Monica, CA 90404. Open/Free School, Grades K-12, 120 Students.

The Crossroads School, P.O. Box 1405, Santa Monica, CA 90406. Grades 7-10, Grade 11 to be added next year, Grade 12 in two years. Approximately 84 Students.

Santa Paula: Portal Elementary School, P.O. Box 710, Santa Paula, CA 93060. Open School, Grades K-6, 200 Students.

Renaissance High School, 325 E. Santa Barbara St., Santa Paula, CA 93060. Continuation School, Grades 9-12, 150 Students.

Seaside: Del Rey Woods School, The Learning Community, 1281 Plumas Ave., Seaside, CA 93955. Open School, Grades K-6, 50-60 Students.

Sepulveda: Gateway School, 9550 Haskell, Sepulveda, CA.

Sunnyvale: Academics Plus Program, Panama Elementary School, Cupertino Union School District, 755 Dartshire Way, Sunnyvale, CA 94087. Traditional School, Designed for 150 Students - 1200 wanted in, Ages 6-14.

Alternative School, 755 Dartshire Way, Sunnyvale, CA 94087. (Planning Stage)

Sutter Creek: Independence High School, General Delivery, Sutter Creek, CA 94685. Opportunity School, Grades 9-12, 38 Students.

CALIFORNIA

Sylmar: Sylmar High School, 13050 Borden Ave., Sylmar, CA 91342.

Topanga: Gateway Day School, P.O. Box 193, Topanga, CA 92090. Free School, (Private School Working in Cooperation with the Public Schools Elementary School).

Quest School, 21459 Highvale Trail, Topanga, CA 90290.

Trona: Trona High School, P.O. Box 307, Trona, CA 93562. Continuation Class, Grades 10-12, 14 Students.

Tustin: Hillview High School, 300 S. C St., Tustin, CA 92680. Continuation School, Grades 9-12, 180 Students.

Villa Park: Villa Park High School, 18042 Taft, Villa Park, CA 92667. 2 Schools:

A.L.P.S. (Alternate Learning Plan for Students Program), Villa Park, CA. 92667. Grade 12, 45 Students, School Within A School.

Community Consumer Lab, Villa Park, CA 92667. School Without Walls/ Open School, Grade 12, 15 Students.

Walnut Creek: Bancroft Elementary School, Walnut Creek, CA 94526. Open School, Grades 1-6, 600 Students.

Watsonville: Renaissance Alternative School, Renaissance High School, Pajaro Valley Unified School District, 440 Arthur Rd., Watsonville, CA 95076. Grades 7-12 Alternative includes Continuation and G.E.D. Programs, 150 Students.

West Covina: Pregnant Minor Program, 1651 E. Rowland, West Covina, CA. Grades 9-12, 20 Students.

Woodland: Holmes Junior High Alternative Program, Woodland, CA. School Within A School, 56 Students.

Woodside: Woodside School, 3195 Woodside Rd., Woodside, CA 94062. Open Classroom, Grades 2-7, 17 Students.

COLORADO

Arvada: Arvada SWAS, 7951 W. 65th Ave., Arvada, CO 80004

Arvada West Senior Sen., 11325 Allendale Drive, Arvada, CO 80004

Fundamental School, 9125 Cole Drive, Arvada, CO 80002

Aspen: The Aspen Middle School, SWAS, Aspen, CO.

Aurora: Aurora Street Academy, Aurora Public Schools, 1255 Florence, Aurora, CO 80010. Open Community School, 50 Students, Grades 9-12.

Colorado Springs: Educational Opportunity Program, 730 North Walnut, Colorado Springs, CO 80905. Continuation School/Learning Center, 100 Students, Ages 16-21.

William Mitchell High School, 1205 Potter Dr., Colorado Springs, CO 80909. Learning Center, 75 Students, Ages 15-17.

Washington Irving Junior High, SWAS, Colorado Springs, CO.

Commerce City: Adams County District #14, Alternative School, 4720 East 69th Street, Commerce City, CO 80022. Multi-Cultural School/School Within a School, Grades 9-12, 50-100 Students.

Denver: Alameda Work Experience Program, 1255 S. Walsworth, Denver, CO 80226.

Cherry Creek Schools, 2781 S. Locust Street, Denver, CO 80222. Dropout Prevention Center, Grades 9-12, 80 Students.

East High, 1545 Detroit, Denver, CO 80206. Senior Seminar Alternate Semester, Grade 12, 117 Students.

Emily Griffith Opportunity School, Denver, CO. Public Continuation School, 200 Students, Over 14 Years of Age.

"I" Program, 2781 South Locust St., Denver, CO 80222.

Edgewater: Open Living School, 2250 Eaton, Edgewater, CO 80215. Open School, Pre K-7, 150 Students.

Evergreen: Evergreen Open Living School, R. R. 2 Box 63, Evergreen, CO 80439. Open School, Pre K-10, 160 Students.

Fort Collins: Harmony Coop G, 2112 Harmony Road, Fort Collins, CO 80521. Learning Center-Continuation School, 70 Students, Ages 15-19.

Lakewood: Altex (Alternative Experiences), c/o Lakewood High School, 9700 West 8th Avenue, Lakewood, CO 80215. School Without Walls, 66 Students, Grade 10.

Development of Conceptual Model of Open Living School, Jefferson County School District, 809 Quail Street, Lakewood, CO 80215

Fundamental School, 1209 Quail St., Lakewood, CO 80215. Fundamentalist School, 310 Students, Ages 5-11.

Lakewood High School, 9700 West & 8th Avenue, Lakewood, CO 80215. School Within A School, Grade 10, 80 Students.

Metropolitan Youth Center, 1209 Quail St., Lakewood, CO 80215. Continuation School, 600 Students (Jefferson County Campus, 1700 Students (Other Metro Area Campuses), Ages Over 16.

Open Living School, 1209 Quail St. Lakewood, CO 80215. Free School, 300 Students, Ages 3-15.

CONNECTICUT

Bridgeport: Park City Alternative High School, Fones Hall, University Ave., Bridgeport, CT 06602. Multi-Cultured, Grades 11-12, 50 Students.

Park City Alternative, 45 Lyon Terrace, Bridgeport, CT 06604. Multi-Cultural, Grade 11, 50 Students.

Durham: Coginchang High School, Interdisciplinary Program, Maiden Lane, Durham, CT. School Within A School, Grades 9-10, 60 Students.

Fairfield: Operation Turn On, Andrew Waide High School, Fairfield, CT 06430. School Within A School.

Sixth Grade Alternative Program, 224 Meadowbrook, Fairfield, CT 06430.

Whole Earth Learning, Ludlow High School, Uniquowa Road, Fairfield, CT 06430. School Within A School, Grade 10, 28 Students.

Hamden: Hamden High School, 2010 Dixwell Ave., Hamden, CT 06514.

Hartford: S.A.N.D. Everywhere School, 45 Canton St., Hartford, CT 06100. Multi-Cultural (Open School), Grades 1-6, 190 Students.

Shanti School, 480 Asylum St., Hartford, CT 06103. Multi-Cultural, Grades 10-12, 100 Students.

East Hartford: East Hartford Alternative High School Program, c/o Penney High School, Forbes St., East Hartford, CT 06108. School Within A School, Grades 9-12, 30 Students.

West Hartford: The Community School, P.O. Box 47, West Hartford, CT 06117. School Without Walls, Grades 10-12, 50-100 Students.

Teacher Corps Alternative Learning Program, University of Hartford, West Hartford, CT 06117. Multi-Cultural/Inner City, Grades 9-12, 50-100 Students.

Ledyard: Alternative Education Program, Ledyard, CT. Continuation School, 69 Students.

Middletown: School Within A School, 250 Court St., Middletown, CT 06457. Multi-Cultural School, Grades 10-12, 100 Students.

Milford: Jonathan Law High School, Milford, CT. (Planning Stage)

New Haven: Alternate Middle School Project, New Haven, CT. 60 Students.

Educational Center for the Arts, 55 Audubon, New Haven CT 06501.

High School in the Community, Dixwell Community House, 197 Dixwell Ave., New Haven, CT 06511. School Without Walls, Grades 9-12, 320 Students.

High School in the Community #2, New Haven, CT 06500.

Lee High School Annex, 100 Church St., South, New Haven, CT 06500. School Within A School, Grades 9-12, 250 Students.

Ridgefield: Alternative School Planning Comm., Ridgefield High School, Ridgefield, CT. (Planning Stage)

Sandy Hook: Alternative Education Program, Newtown High School, Route 34, Sandy Hook, CT 06482.

Stors: Alternative Program, Spring Hill Rd., Stors, CT 06268.

Waterbury: Alternative (Open Door) Program, 20 South Elm St., Waterbury, CT 06720. School Within A School, Grades 7-8, 83 Students.

DELAWARE

Newark: Newark Living Studies Center, 70 South Chapel Street, Newark, Delaware 19711. Grades 5-8, 47 Students.

DISTRICT OF COLUMBIA

Washington: Morgan Community School, 18th & California Sts., Washington, D.C. 20006.

School Without Walls, 10th & H, N.W., Washington, D.C. 20000

Washington Urban League Street, Academy Program, 1424 16th N.W., Washington, D.C. 20036. 300 Students, Ages 15-22.

FLORIDA

Pensacola: Escarosa, Pensacola, FL. School Within A School, Elementary and High School Students.

Pompano Beach: Coconut Elementary School, 500 NW 45th St., Pompano Beach, FL 33061.

Sarasota: Booker Bay Haven, Sarasota School System, Sarasota, FL 33578.

GEORGIA

Atlanta: Downtown Learning Center, 165 Walker St. S.W., Atlanta, GA 30313. Learning Center, School-Without-Walls, Grades 9-12, 160 Students.

Project Success Environment, 210 Pryor St., S.W., Atlanta, GA 30303. Behavior Modification, Grades 1-6, 1500 Students.

Rabun Gap: Foxfire, Rabun Gap-Nacoochee School, Rabun Gap, GA 30568. Action Learning.

HAWAII

Aiea: Environmental Studies Center, 99-339 Kulawea Place, Aiea, HA 96701. 190 Students.

Kailua: Kailua High School, 451 Ulumanu Dr., Kailua, HA 96734.

IDAHO

Boise: Boise Alternative School, c/o Boise School District, 1207 Fort St., Boise, Idaho. 83702. Learning Center/Open School, 100 Students, Ages 6-12.

Caldwell: Boise Alternative Elementary School, P.O. Box 1173, Caldwell, ID 83605. Open School.

ILLINOIS

Addison: Lincoln School, 720 North Lincoln, Addison, IL 60103. Multi-Cultural School, K-6 Grade, 200-500 Students.

Chicago: CAM Academy, 4910 W. Flournoy St., Chicago, IL. Continuation School.

Cabrini Green Alternative, P.O. Box 11085, Chicago, IL 60611. Continuation School, Grades 8-12, 100-200 Students.

Chicago Public High School for Metropolitan Studies, 537 S. Dearborn, Chicago, IL. School Without Walls, Grades 9-12, 350 Students.

Computer Assisted Instruction (CAI), 228 N. La Salle, Chicago, IL. Grades K-6.

East Woodlawn Academy, 6420 S. University, Chicago, IL 60637. Dropout Prevention Center, Grades 5-8, 150 Males.

Farragut Outposts, School Within A School, Farragut High School, 2345 S. Christiana Ave., Chicago, IL 60623. Dropout & Potential Dropout Center, Grades 10-12, 125 Students.

Industrial Skill Center, 2315 W. 19th St., Chicago, IL 60623. Learning Center, Grades 8-12, 325 Students.

Operation Impact, 6800 South Stewart, Chicago, IL 60620. Continuation School, 12-15 Years of Age, 130 Students.

Puerto Rican High School, 2028 W. Augusta, Chicago, IL 60622.

Robert A. Black School, 9100 S. Euclid, Chicago, IL 60618. Magnet School, Grades 1-8, 400 Students.

Simpson School, 1100 S. Hoyne, Chicago, IL 60612. Continuation School, Grades 5-12, 200-500 Students.

Waller High School Satellite #1, 800 N. Clark, Chicago, IL 60611. School Within A School, Ages 14-17, 75 Students.

Walt Disney Magnet School, 4140 N. Marine Dr., Chicago, IL 60613. Multi-Cultural School, Pre K-6, 1800 Students.

Clarendon Hills: Walker Model Education Center, 120 S. Walker, Clarendon Hills, IL 60514. Open School, Learning Center, K-6 Grade, 200-500 Students.

DeKalb: Gurier Alternative School, University Circle, North Illinois University, DeKalb, IL 60115. Open School, Ages 3-14, 427 Students.

Elgin: Model School, South Gifford St., Elgin, IL 60120. Open School, Grades 6-8, 300 Students.

Harvey: BUILD Institute (School), Public Alternative, Harvey, IL. Continuation School.

Kankakee: Alternative School, Title VII Project, 204 South Chicago Ave., Kankakee, IL 60901.

Libertyville: Butterfield, 1441 Lake, Libertyville, IL 60048. Open School, Learning Centers, Grades 1-8, 715 Students.

Madison: Madison Community Unit District 12, 1707 4th St., Madison, IL 62060. Co-Ordinated Youth Services, 40 Students.

Maywood: Van Buren Model School, 1204 Van Buren, Maywood, IL 60153. Model School Learning Center, Grades 1-6, 270 Students.

Morton Grove: Alternative Learning Center, Morton Grove, IL.

Mt. Prospect: High School District 214, 799 West Kesington Rd., Mt. Prospect, IL 60056. 19,175 Students (In 8 Buildings).

Student Therapeutic Educational Program (S.T.E.P.), c/o Administration Center, 799 W. Kensington Rd., Mt. Prospect, IL 60056. Independent School, 90 Students, High School Age.

ILLINOIS

Mt. Prospect: Young Adult Education Program, c/o Administration Center, 799 W. Kesington Rd., Mt. Prospect, IL 60056. School Within A School, Ages 17-23, 200 Students.

Northbrook: Glenbrook North High School, 2300 Shermes, Northbrook, IL 60063. 2700 Students.

Oak Park: Experimental Program, Oak Park and River Forest High School District, 201 N. Scoville, Oak Park, IL 60300. School Without Walls, Grades 9-12, 150 Students.

River Forest High School, Oak Park, IL. 150 Students.

Oak Park River Forest High School, Task Force on Alternative Education. Oak Park, IL. (Planning Stage).

Palatine: High School District 211, 1750 South Roselle Rd., Palatine, IL.

Quincy: Quincy Senior High, 30th and Maine, Quincy, IL 62301. School Within A School, Ages 16-18, 1500 Students.

Project to Individualize Education: Quincy Junior and Senior High Schools, 1400 Maine, Quincy, IL 62301. 4407 Students.

Rockford: Alternative Middle School, 406 N. Main, Rockford, IL 61103. Open School, Grades 7-8, 100 Students.

Welsh Elementary School, 2100 Huffman Blvd., Rockford, IL 61103. Magnet School, Grades 1-5, 640 Students.

Skokie: Niles Township High Schools, Action Learning Center, Skokie, IL 60076. School Without Walls, Grades 9-12, 35 Students.

Off Campus Learning Center, 7700 Gross Point Rd., Skokie, IL 60676. Continuation School, Grades 9-12, 50-100 Students.

Springfield: Springfield & Sangamon County Community Action Inc., 1310 E. Adams Street, Springfield, IL 62703. Continuation School, Ages 14 and up.

Urbana: Leal School, 312 W. Oregon, Rubana, IL 61801. Grades K-6, 473 Students.

Thomas Paine School, c/o Dr. Don Holste, Urbana Public Schools, 1704 E. Washington, Urbana, IL 61801. School Within A School, Grades K-6.

Winnetka: The Center for Self-Directed Learning, New Trier High School East, Winnetka, IL. School Within A School, Grades 10, 11, & 12, 150 Students.

Joliet: Recycle, Joliet High School District #204, Joliet, IL. Grades 9-12.

INDIANA

Bloomington: Monroe County Alternative High School, 1620 Matlock Rd., Bloomington, IN 47401. Open School, Grades 9-12, 70 Students.

Elkhart: Community Junior High School, 2720 California Rd., Elkhart, IN 46514. Multi-Cultural School, Grades 7-9, 50 Students.

Evansville: Education Extension Center, 1 S.E. Ninth St., Evansville, IN Continuation School, Grades 7-10, 40 Students.

Ft. Wayne: Opportunity School, Barr & Lewis Sts., O'Conner Bldg. Room 206, Ft. Wayne, IN 46809. Dropout Center.

Gary: CORE Alternative Program, Edison Middle School, 5th & Burr, Gary, IN 46404. School Within A School, Grades 6-8, 250 Students.

CORE Program West Side Sr. High, 9th & Gerry, Gary, IN 46404. School Within A School, 600 Students.

Horace Mann High School, Gary, IN. School Within A School, Grades 9-12, 153 Students.

Martin L. King Academy, 1606 Broadway, Gary, IN 46407. Second Chance High School, 152 Students.

Indianapolis: North Central High School, Washington Township, Indianapolis, IN. School Within A School.

School #5, 20 North California St., Indianapolis, IN 46202. Multi-Cultural School, Grades 6-8, 50-100 Students.

Jeffersonville: Alternate High School, 650 Meigs St., Jeffersonville, IN 47130. Continuation School, Grades 9-12, 86 Students.

Kokomo: Douglas School, Alternative Public School, Kokomo, IN.

Plainfield: Van Buren Elementary, The Plainfield Experience, 225 Shaw St., Plainfield, IN 46168. Open School, K-6 Grades, 550 Students.

Richmond: Excelsior Alternative School, 50 N. 8th St., Richmond, IN 47374. Continuation School, Ages 14-18, 25 Students.

South Bend: Whitney M. Young, Jr., Street Academy, 320 S. Main St., South Bend, IN 46601. Dropout Center, Grades 9-12, 300 Students.

IOWA

Ames: Kate Mitchell Elementary School, 3521 Jewell Dr., Ames, IA. School Within A School, Grades K-6, 50 Students.

Calman: Area One Vocational Technical School, P.O. Box 400, Calman, IA 52132. Learning Center, Grades 9-12, 250 Students.

Cedar Falls: Cedar Falls High School, PLUS Program, Cedar Falls High School, Tenth & Division Street, Cedar Falls, IA 50613. Open School, Grades 9-12, 45 Students.

Cedar Rapids: John F. Kennedy High School, 4545 Wenig Rd. N.E., Cedar Rapids, IA 52402. School Within A School (Planning Stage).

Des Moines: Greater Des Moines Education Center, North-1452 Second Ave., South-1961 Indianola Rd., Des Moines, IA 50314. North- 150 Students, South- 132 Students.

Dubuque: Dubuque Community School, 1500 Locust St., Dubuque, IA 52001. Dropout Prevention, Grades 7-12, 30 Students.

Dubuque Community School Extension Program, 1800 Clark Dr., Dubuque, IA 52001. Learning Center, Grades 7-12, 65 Students.

Marshalltown: Independent Learning Center, 32 W. Main, Marshalltown, IA 50158. High School Completion, G.E.D. Vocational Training, Remedial Training, Career, 200 Students.

Mason City: Mason City High School, State St., Mason City, IA 50401

Newton: Newton High School, E. 4th St., Newton IA 50208. School Without Walls, Ages 14-19, 120 Students.

KANSAS

Topeka: French Junior High School, Topeka, Kansas 66600. Open School Within A School, Grades 7-9, 140 Students.

Wichita: Metropolitan Secondary Program Center, 751 G. Washington Blvd., Wichita, KA 67211. Open School, Ages 16-21, 346 Students.

Emporia: The Emporia Plan, Unified School District #253, Emporia, KA. 6 public elementary schools, lab school.

KENTUCKY

Bowling Green: Alternative Learning Program, Bowling Green Independent Schools, 224 E. 12th St., Bowling Green, KY 42101

Disman-McGinnis School, Old Morgantown Rd., Bowling Green, KY 42101. Continuation School, Grades 5-9, 45 Students.

Louisville: Senior High Alternative School, Mary B. Talbert School, 1018 S. 7th St., Louisville, KY.

Teen-Age Parents Program (T.A.P.P.), The School for Unwed Mothers, 542 W. Kentucky St., Louisville, KY 40203. Grades 7-12, 300-500 Students per/year.

The Brown School, 4th and Broadway, Louisville, KY. Open School, Multi-Cultural School, Grades 3-12, 395 Students.

Wesley Alternative School, 838 Washington Ave., Louisville, KY 40206. Learning Center, Grades 7-9, 40 Students.

Murray: Carter Elementary School, 13th St., Murray, KY 42071. School Within A School, Grades K-3, 50-100 Students.

LOUISIANA

New Orleans: Gateway School No. 1, 1913 St. Claude Ave., New Orleans, LA 70116. School Without Walls, Grades 9-12, 150 Students.

Gateway II High School, 3601 Camp St., New Orleans, LA 70115. School Without Walls, Grades 9-12, 180 Students.

McDonough #15 School, 721 St. Philip St., New Orleans, LA 70116. Open School-Public-Optional, Grades K-6, 370 Students.

McDonogh 15, Orleans Parish Schools, 703 Carondelet, New Orleans, LA.

New Orleans Center for Creative Arts, New Orleans Public Schools, New Orleans, LA 70100. Public Optional-Learning Center.

New Orleans Free School, 1120 Bordeaux, New Orleans, LA 70115. Ages 5-13, 50 Students.

MAINE

Sanford: Alternatives, Sanford, Maine.

Westbrook: Alternative Learning Program, 868 Main St., Westbrook, Maine 04092. Continuation School, Grades 7-12, 50 Students.

MARYLAND

Baltimore: Harbor City Learning Center, 101 W. 24th St., Baltimore, MD 21218. School Without Walls, Grades 11-12, 1,000 Students.

Bethesda: REAL (Resurgence of Enthusiasm About Learning), North Bethesda Junior High School, 8935 Bradmoor Dr., Bethesda, MD 20034. School Within A School, Grade 9, 110 Students.

MASSACHUSETTS

Acton: McCarthy-Towne School, Charter Rd., Acton, MA 01720. Open School, Grades K-6, 520 Students.

The Pilot School, Acton, [illegible]. Open School, Grades K-6, 50[illegible] Students.

Arlington: Parmenter School, Irving St., Arlington, MA 02174. Open School, Grades 1-6, 185 Students.

Satellite J.H.S., 23 Maple St., Arlington, MA 02174. School Without Walls, Grades 7-8, 250 Students.

Boston: Copley Square High School, 150 Newbury St., Boston, MA 02100. Community Oriented, Grades 9-12, 520 Students.

Federation of Boston Community Schools, Elementary, Boston, MA.

George Bancroft, 150 Appleton St., Boston, MA 02118. Multi-Cultural/Inner City, Grades K-8, 100-200 Students, School Within A School)

V.A.L.U.E., Institute of Contemporary Art, 955 Boylston St., Boston, MA 02115. School Within a School, Grades 11-12, 200-500 Students.

Brocton: Ithaka School, 17 E. Elm, Brocton, MA 02501. Open School, Grades 9-12, 50-100 Students.

Brookline: School Within A School, 110 Greenough St., Brookline, MA 02146. School Within A School, Grades 10-12, 112 Students.

Cambridge: Cambridge Alternative Public School, 54 Essex St. Cambridge MA 02139. Multi-Cultural/Urban, Grades K-5, 150 Students.

Cambridge Pilot School, 1700 Cambridge Ave., Cambridge, MA 02138. Open School Within A School, Grades 9-12, 188 Students.

City, 675 Massachusetts Ave., Cambridge, MA 02139. School Within A School/Rural, Grades K-5, 130 Students.

Cluster School, Cambridge High School, Cambridge, MA 02138.

Community Interaction Through Youth. 675 Massachusetts Ave., Cambridge, MA 02139 School Without Walls, Grades 9-12, 52 Students.

Group School, 66 Winthrop St., Cambridge, MA 02138. Inner-City (Multi-Cultural), Grades 9-12, 50-100 Students.

Metropolitan Annex Program, The Education Collaborative, 300 Longfellow Hall, 13 Apian Way, Cambridge, MA 02138. School Without Walls, Grades 8-9, 300 Students.

Project DIRE, Cambridge After School, 1700 Cambridge St., Room 223, Cambridge, MA. Learning Center, Grades 1-6, 553 Students.

Project SPACE, Educational Collaborative for Greater Boston, 300 Longfellow Hall, Appian Way, Cambridge, MA 02138. Career Education Center, Grades 10-12, 50 Students.

Centerville: Centerville Elementary School, Bay Lane, Centerville, MA 02632. School Within A School, Grades K-5, 100 Students.

Cohasset: Cohasset Alternative School, Pond St., Cohasset, MA 020[illegible]5.

Dorchester: Massachusetts Experimental School System, 640 Blue Hill Avenue, Dorchester, MA 02121. Ages 5-18, 325 Students (In 3 Schools).

William Monroe Trotter School, 135 Humboldt Ave., Dorchester, MA 02174. Multi-Cultural, Grades Pre K-5, 500 Students.

Falmouth: Omnibus, Alternative High School, Falmouth, MA. School Without Walls.

Gloucester: Gloucester Community Development Corp., P.O. Box [illegible], Gloucester, MA 01930. (Research Project)

MASSACHUSETTS

Glouchester: West Farrish School, Concord St., Glouchester, MA. Open School Within A School, Ages 6-10, 100 Students.

Hyannis: Barnstable High School, 744 W. Main St., Hyannis, MA.

Huntington: Gateway School, Littleville Rd., Huntington, MA 01050

Holyoke: Holyoke Street School, 176 Race St., Holyoke, MA 01040. Ages 16-19, 25 Students.

Hamilton: Project Adventure, Hamilton Wenham School, Hamilton, MA 01936.

Hyannis: Centerville Elementary School, Hyannis, MA 02601. Open School, Grades K-5, 150 Students.

Leominster: Woodstock Street Academy Inc., 35 Monument Square, Leominster, MA 01453. Preparatory School, Grade 10 and Beyond Ages 16.

Lexington: Education Without Walls, 251 Waltham St., Lexington, MA 02173. Individualized Learning, Grades 10-12, 180 Students.

Marion: Bent Twig, Box 72, Marion, MA.02738. Open School, Grades 1-12, 90 Students.

Mattapoissett: Independent Learning Center, Old Rochester Regional High School, Marion Rd., Mattapoissett, MA 02739. Learning Center, Grades 9-12, 40 Students.

Needham: Alternative Program, 609 Webster St., Needham, MA 02192. Open School, Grades 10-12, 100 Students.

Needham Senior High School, 609 Webster St., Needham, MA 02192. Learning Center, Grades 11-12, 100 Students.

Barry House Project, Newton Public Schools, Newton, MA 02158. School Within A School, Grades 9-12, 400 Students.

Murray Road, 35 Murray Rd., Newton, MA 02165. Open School, Grades 9-12, 115 Students.

The Newton South, Educational Workshop, Newton Public School District, Newton, MA 02158. Grades 4-6.

Roxbury: Lewis Middle School, 131 Walnut St., Roxbury, MA 02119.

Salem: Alternative School, Salem Public Schools, Salem, MA 01970.

Sharon: The Alternative Elementary School, East Elementary School, 45 Wilshire Dr., Sharon, MA 02067. Open School, Grades K-6, 125 Students.

The Alternative High School, Sharon Senior High School, Pond Street, Sharon, MA 02067. Independent Study, Grades 9-12, 95 Students.

Watertown: Home Base.School, 465 Mt. Auburn St., Watertown, MA 02172. Community Based School, Grades 9-12, 100 Students.

Worcester: Adjunct School, c/o North High School, 46 Salisbury St., Worcester, MA 01608. School Within A School/Inner City, Grades 10-12, 50-100 Students.

Dynamy, Inc.-Worcester, The Dynamy Program, 350 Main St., Worcester, MA 01610. Residential program limited to 12th grade, recent graduates and college fresh. High School Program - Grade 12 only.

Worcester Alternative School, 31 Elizabeth St., Worcester, MA 01600. School Without Walls, Grades 9-12, 165 Students.

MICHIGAN

Ann Arbor: Ann Arbor Community High School, 401 North Division, Ann Arbor, MI 48104. Open School Without Walls, Grades 9-12, 520 Students.

Earthworks, Alternative School Program, Ann Arbor Public Schools, 995 N. Maple, Ann Arbor, MI 48103. Free School, Grades 9-12, 30-50 Students.

Pioneer Two, 995 N. Maple Road, Ann Arbor, MI 48103. Free School, Grades 9-12, 85 Students.

Allen Park: Lapham Elementary, 15150 Hurger, Allen Park, MI 48101. Continuous Progress, Grades K-6, 270 Students.

Battlecreek: Project Busstop-Junior High, Battlecreek, MI. School Within A School.

Detroit: Alternative Center for Education (ACE), Redford Union Public Schools, 17711 Kinlock, Detroit, MI 48240. Continuation School, Grades 7-12, 35 Students.

Experience...A Change of Mind, 4700 Tireman, Detroit, MI 48204. School Within A School Self Contained, 100 Students.

Hobart St. Field Center, 5778 Hobart St., Detroit, MI 48202. Urban Community Development, 15-40 Students.

Inksten Community Human Resources Center #1, 30075 Parkwood, Detroit, MI 48201. Ages 13-16 (With Behavioral Problems), 21 Students (Maximum 60).

Jackson Alternative School, 4180 Marlborough, Detroit, MI 48215. 50 Students.

Oakland Prep School, 7001 Burlingame, Detroit, MI 48204. Continuation School, Grades 9-12, 130 Students.

Reeves Open School, Region 4, Detroit Public Schools, 19250 Riverview, Detroit, MI 48219. Open School, Grades K-3, 140 Students.

Region 5 Middle, 15055 Dexter, Detroit, MI 48238. Middle School (Magnet), 500 Students.

Region 7 Middle School, 8030 E. Outer Dr., Detroit, MI 48213. Magnet School, Grades 5-8, 460 Students.

The Wing, Noble Elementary and Junior High School, 8646 Fullerton, Detroit, MI 48238. School Within A School, Ages 13-16, 90 Students.

Whitney Young Middle School, Region 8, 1314 Field Ave., Detroit, MI 48214. Magnet Middle School, 350 Students.

East Lansing: Marble School, 509 Burcham Dr., East Lansing, MI 48823. Open School, Grades K-6, 355 Students.

Whitehills School, 509 Burcham Dr., 509 Burcham Dr., East Lansing, MI 48823. Permeable School, Grades K-5, 167 Students.

Flint: Alternative Education High School, Sarris Food Center, 1231 East Kearsley, Flint, MI 48502. Learning Center, Grades 10-12, 50-100 Students.

Personality Improvement Program, Flint Community Schools, 923 E. Kearsley, Flint, MI 48500. Dropout Prevention Program, Grades 7-9, 270 Students.

Pilot Alternative High School, 3316 Atherton Terrace Dr., Flint, MI 48507.

Saginaw Co. Inmate Rehabilitation Program (SCIRP), 1612 Dupont, Flint, MI 48504. Community Based External, 50-100 Students.

Schools of Choice Program, Alternative High School (Continuation School), Alternative Junior High, Continuation School for Pregnant Girls, Open Junior High (120 Students).

Temporary Alternative Education Program, 1300 Leith St., Flint, MI 48505. Ages 12-15, 110 Students.

MICHIGAN

Flint: Walker Open School, 912 E. Kearsley St., Flint, MI 48503. Open School, Grades K-6, 210 Students.

Grand Rapids: Center for World Studies, 226 Bostwick, Grand Rapids, MI.

City School, 226 Bostwick, Grand Rapids, MI. School Without Walls.

Educational Park, c/o Grand Rapids Jr. College, 143 Bostwick Ave., N.E., Grand Rapids, MI 49502. Open School, Grades 11-12, 550 Students.

Blandford Nature Center, Environmental Studies Center, 1715 Hillburn Ave. NW, Grand Rapids, MI 49504. Grade 6, 29 Students.

Park School, 1215 E. Fulton, Grand Rapids, MI 49503. Pregnant Girls Center, Grades 7-12, 275 Students.

Street Academy, Living Arts Center, 725 Morris Ave., Grand Rapids, MI 49503. Multi-Curtural School/School Within A School, Grades 7-12, 110 Students.

Walbridge Academy, Alternative Education Center, 1024 Ionia, Grand Rapids, MI 49506. Dropout Prevention Center, Grades 6-12, 250 Students.

Kalamazoo: Dawntreader Alternative School, 247 West Lovell, St. Luke's Church, Kalamazoo, MI 49006. Learning Center, Grades 9-12, 70 Students.

Lansing: Academic Interest Center, Lansing School District, 500 W. Lenawee St., Lansing MI 48933. Learning Center, Grades 11-12, 400 Students.

Mountain Free High School, 106 E. North St., Lansing, MI 48906.

Reach School, 1816 Cedar St., Lansing, MI 48900.

Re-Entry, 519 Kalamazoo, Lansing, MI 48900. Open School, Grades 9-12, 125 Students.

Lincoln Park: Continuation School (Girls), Lincoln Park, MI 48146.

Livonia: Alternative Learning Plan for High School Age (ALPHA), 29530 Munger, Livonia, MI 48152. Learning Center, Grades 9-12, 75 Students.

Milford: Milford High School, 2380 Milford, Milford, MI 48042.

Monroe: Monroe County Intermediate School District, Young Mothers Program (pregnant girls), 1101 S. Raisinville Rd., Monroe, MI 48161. 29 Students.

Muskegon: Orchard View Schools, 2310 Marquoette Ave., Muskegon, MI 49442. 35 Students.

New Boston: Huron High School, 24820 Merriman, New Boston, MI 48164. Individualized Remedial, Program Within A School, 20-40 Students.

Okemos: Kinewa Middle School, 4006 Okemos, MI 48864. School Within A School, Grades 7-9, 90 Students.

Pontiac: Alternative Education Program, 101 E. Pike St., Pontiac, MI 48058. Multi-Cultural/Continuation. Grades 7-12, 300 Students.

Pontiac Human Resources Center, 60 Parkhurst St., Pontiac, MI 48050. School Without Walls, Learning Center, Multi-Cultural School, Pre K-5 and Adult Education, 2000 Elem. and 1200 Adult Students.

Saginaw: Continuing Education for Pregnant Students, 321 N. Warren St., Saginaw, MI 48601. 93 Students.

Dwight D. Eisenhower High School, 3465 N. Center Rd., Saginaw, MI 48603. School Without Walls, Ages 14-18, 1450 Students.

Southfield: Southfield Experiment in the Exploration of Knowledge, Seek/Southfield High School, 24675 Lahser Rd., Southfield, MI 48075. School Without Walls, Grade 12, 20 Students.

MICHIGAN

Springwells: Southwestern High, 6921 W. Fort St., Springwells, MI 48209. School Within A School, 25 Students.

Wyandotte: Continuing Education of Girls, 1123 Second Street, Wyandotte, MI 48192. Pregnant Girls Center, Grades 7-12, 60 Students.

Whitehall: PEP - Personalized Education Program, Whitehall High School, Whitehall, MI 49461. School Within A School, Grades 9-10.

MINNESOTA

Chaska: Chaska High School, Chaska, MN 55318.

Cloquet: Cloquet Sr. High School Life Center, 1000 Eighteenth St., Cloquet, MN 55720. Learning Center, Grades 9-12, 60 Students.

Excelsior: Mini School, Minnetonka High School, 261 School Ave., Excelsior, MN 55331. School Within A School, Grades 10-12, 100-200 Students.

Hopkins: Elementary & Secondary Optional Alternative Schools, Hopkins, MN.

Mankato: Wilson Campus School, Mankato State College, Mankato, MN 56001. Free School, Grades Pre K-12, 500 Students.

Wilson School, Mankato State College, Mankato, MN 56001. Open School, Pre K-12 Grade, 574 Students.

Minnetonka: Clearsprings Elementary, 5701 Highway 101, Minnetonka, MN 55343. School Within A School, Grades 4-6, 100-200 Students.

A School Within A School, Minnetonka High School, 261 School Ave., Minnetonka, MN 55331. School Without Walls, Grades 10-12. 140 Students.

Minneapolis: Bryant Yes Center, 2633 4th Ave. S., Minneapolis, MN 55408. Multi-Cultural School, Grades 7-9, 50 Students.

Bryn Mawr Open School, West Area Cluster, Minneapolis, MN. (Optional Public Elementary School).

Center School, 1400 E. Franklin, Minneapolis, MN 55407. Store-front, Drop-out Clientele, Grades 9-12, 40 Students.

Columbia Heights School District, Minneapolis, MN. (Planning Stage).

Edina Open School, Countryside Elementary, 5701 Benton Ave., Minneapolis, MN. School Within A School, Grades K-6, 50-100 Students.

Holland Elementary School, 1534 N.E. 6th St., Minneapolis, MN. Open: School Within A School, 167 Students, Contemporary School, 200 Students.

Lake Harriet School, 4236 Sheridan Ave. S., Minneapolis, MN. Grades K-6.

Lincoln Learning Center, 1225 Plymouth Ave., N., Minneapolis, MN 55411. Multi-Cultural School/Continuation School, Grades 7-9, 50 Students.

Loring-Nicollet School, 1920 Pillsbury Ave., Minneapolis, MN 55403. Continuation School, Grades 9-12, 50 Students.

The Marcy Open School, 711 11th Ave., Minneapolis, MN 55414. Open School, Grades 1-6, 275 Students.

Marshall University High School, 1313 SE 5th St., Minneapolis, MN 55414. Open School/Free School, Grades 7-12, 500 Students.

Menlo Park Alternative School, Edison High School, 818 19th Ave., NE, Minneapolis, MN 55418. Continuation School, Grades 9-12, 30 Students.

Motley Elementary, 915 Dartmouth Ave. S.E., Minneapolis, MN 55400. Continuous Progress School, Grades 4-6, 200 Students.

Northside Street Academy, 2301 Oliver Ave. N., Minneapolis, MN 55411. Street Academy, Grades 9-12, 45 Students.

Penn School, 3620 Penn Ave. N., Minneapolis, MN. Open School Within A School, Grades K-3.

Pratt Elementary, 66 Malcolm Ave. S.E., Minneapolis, MN 55414. Continuous Progress, Open, Grades 1-6, 450 Students.

School of Survival, North High School, 1500 James Ave. N., Minneapolis, MN 55411. School Within A School, 100 Students.

Southeast Free School, 1209 4th St. S.E., Minneapolis, MN 55414. Free School, Grades K-12, 175 Students.

MINNESOTA

Minneapolis: Student Support Program, Franklin High School, Minneapolis, MN 55414.

Tuttle Contemporary School, 1042 18th Ave., S.E., Minneapolis, MN 55414. Community Contemporary School, Pre K-12, 275 Students.

Unity Alternative School, 2507 Fremont Ave., N., Minneapolis, MN 55411. Multi-Cultural School/Continuation School, Grades 7-9, 40 Students.

Urban Arts Program, 807 NE Broadway, Minneapolis, MN 55413. School Without Walls, Grades 7-12, 200-500 Students.

Webster School, 707 N.E. Monroe St., Minneapolis, MN. Open Continuous Progress School.

St. Cloud: Area Learning Center, 207 7th Ave. N., District 742, St. Cloud, MN.56301. Learning Center-Pregnant Girls, Dropouts & Potential Dropouts, Grades 7-12, 534 Students.

St. Paul: Auto Transportation Center, 811 E. 7th St., St. Paul, MN 55101. Learning Center, Junior High Level, 360 Students Each Session, 4 1/2 weeks each.

Focus Dissemination Project, Roseville Area Schools, 211 N. McCarron's Blvd. School Within A School, Grades 10-12, 150 Students.

Foreign Language Center, Maxfield School, St. Anthony and Victoria Sts., St. Paul, MN. Learning Center, Grades 4-6, 158 Students.

New City School, 400 Sibley St., St. Paul, MN 55101. Learning Center, Grades 10-12, 200 Students.

Performing Arts Center, 741 Holly Ave.. St. Paul, MN 55104. Learning Center. Grades 7-9 - 90 Students, Grades 10-12 - 90 Students.

Project Discovery, 240 Summit Ave., St. Paul, MN 55102.

Social Environment Center, Longfellow School, 270 Pryor Ave., S., St. Paul, MN.

St. Paul Open School, 1885 University Ave., St. Paul, MN 55100. Open School, Grades K-12, 500 Students.

The Career Study Center, 515 Kenny Rd., St. Paul, MN 55101. Potential Dropout Center, Grades 7-12, 110 Students.

Focus Program, 211 N. McCarson's Blvd., St. Paul, MN 55113.

Staples: Lincoln Model Nongraded School, Dakota Ave., Staples, MN 56479. Free School, Grades K-6, 100-200 Students.

Stillwater: Stillwater High School, 523 W. Marsh, Stillwater, MN 55082.

White Bear Lake: Mariner High School, 3551 McKnight Rd., White Bear Lake, MN 55110. Open School, School Without Walls, Grades 9-12, 1550 Students.

Eden Prarie: Place (Three Year Title III Project), Personal Learning Activities and Creative Education, Forest Hills Elementary School, Eden Prarie, MN. School Without Walls, Community Based Learning.

MISSISSIPPI

Bay Springs: Career and Related Education, West Jasper County School District, Bay Springs, Miss. 39422.

Meridian: Innovative Approach to Teaching Language Arts in the Secondary Schools, Meridian Separate School District, 1019 25th Ave., Meridian, Miss. 39301.

Natchez: Pre-Vocational Training for Handicapped, P.O. Box 1188, Natchez Separate School District, Natchez, Miss. 39120.

MISSOURI

Ballwin: Parkway West Senior High School, 75 Clayton Rd., Ballwin, MO 63011. School Within A School, Grades 10-12, 50 Students.

Clayton: Clayton Alternative High School, 301 N. Gay, Clayton, MO 63105. School Within A School, Grades 9-12, 40-45 Students.

The Wilson School, 400 E. Mun, Clayton, MO 63105. Grades 1-8.

Creve Coeur: Education Center, 12954 Bellerive Ests. Dr., Creve Coeur, MO 63141. School For Potential Dropouts, Ages 14-26, 133 Students.

Fenton: Fenton Elementary Alternative School, 635 Gravois Rd., Fenton, MO 63206.

Ferguson: Education Center, 809 S. Florissant, Ferguson, MO 63135. Continuation School/School Without Walls, Grades 7-12, 200-500 Students.

St. Louis: Clayton Alternative School, 301 N. Gay Ave., Clayton, MO 63105. School Within A School, Grades 10-12, 50 Students.

Metro High School, 2135 Chouteau Ave., St. Louis, MO 63103. School Without Walls, Grades 10-12, 150 Students.

Rockwood School, c/o Mary Ellen Finch, P.O. Box 1183, Washington University, St. Louis, MO 63130.

Sophia, 2568 Hebert, St. Louis, MO 63130. Open School, Ages 14-18, 125 Students.

University City: University City Alternative School, 725 Kingsland, University City, MO 63130. Open School, Grades 8-12, 150 Students.

Webster Grove: Douglas School, Webster Grove, MO. Open School, Grades K-6.

Webster Community Campus, Webster Grove High School, 100 Selma Ave., Webster Grove, MO 63119. Open School, Grades 11-12, 100 Students.

Clayton: Clayton Alternative High School, 301 N. Gay Ave., Clayton, MO 63105. Grades 9-12, 45 Students.

MONTANA

Browning: Browning Free School, (Blackfeet Reservation), Browning, MT.

Dixon: Alternative School, Community Action Building, Dixon, MT. Continuation School for Indian students in the Mission Valley, Ages 16-26, 20 Students.

East Glacier Park: Rocky Mountain Field Center, P.O. Box 70, East Glacier Park, MT 59434. Environmental Studies, 20 Students Per Session, 6 Week Sessions.

Missoula: Project 100, Missoula, MT.

NEBRASKA

Lincoln: Community Learning School Model, East High School, 1000 South 70th Street, Lincoln, Nebraska 68510.

Papillion: Voluntary Twelve Month School, Papillion Public School, 130 West First St., Papillion, Nebraska 68046.

NEW HAMPSHIRE

Berlin: Berlin High School, Alternative Classroom Project, Berlin, NH. Satellite School, Grades 9-12, 50 Students.

Claremont: Stevens Annex, Hanover St., Claremont, NH 03743

Hanover: The Dresden Plan, Hanover High School, Lebanon St., Hanover, NH 03155. School Within A School, Grades 9-12, 60 Students.

Laconia: Laconia Alternative School, 109 Court St., Laconia, NH 03246.

The Stepping Stone, 48 Bay St., Laconia, NH 03246. Continuation School, Grades 9-12, 50 Students.

Lebanon: Lebanon Learning Loft, 75 Bank St., Lebanon, NH 03766. Learning Center, Grades 6-8, 26 Students.

NEW JERSEY

Annandale: Stillwaters Farm, North Hampton Regional High School, Rte. 31, Annandale, NJ 08801. Grades 9-12, 45 Students.

Cape May: Cape May City School, 921 Lafayette Ave., Cape May, NJ 08204. Multi-Cultural, Grades K-6, 200-500 Students.

Middle Township Elementary #1, Cape May Court House, Cape May, NJ. Open School.

Cinnaminson: Cinnaminson Alternative School, Pomona Road, Cinnaminson, NJ 08077. Open School, Grades 10-12, 153 Students.

East Orange: Adult Education Day Center, 580 Springdale Ave., East Orange, NJ.

East Orange Adult Education Alternative, 21 Winans St., East Orange, NJ 07017. Continuation School.

Changes Inc., 409 Prospect St., East Orange, NJ 07017.

Englewood: Dwight Morrow High School, Knickerbocker Rd., Englewood, NJ 07017.

Fords: Ford Avenue School #14, Fords Ave., Fords, NJ 08863. Open School, Grades K-6, 200-500 Students.

New Brunswick: Gibbons School, Gibbons Cabin in the Douglas Campus, New Brunswick, NJ 08903. Grades 9-12, 60 Students.

Glassboro: Academy Street School, Glassboro, NJ 08028.

Glassboro Alternative Evening High School, Alternative High School, Glassboro, NJ 08028. Age - open.

Keasbey: Alternative School, Adult Vocational Center, Keasbey, NJ 08832. Grades 6-9, 50 Students.

Leonia: Alternative Little House, Beechwood Place, Leonia, NJ 07605.

Leonia Alternative School, 534 Grand Ave., Leonia, NJ 07605. Learning Center/School Without Walls, Ages 14-18, 80 Students.

Long Branch: Chelsea School, 152 Chelsea Ave., Long Branch, NJ 07740. Multi-Cultural, Grades 7-12, 50 Students.

Maplewood: Columbia High School, Maplewood, NJ. School-Within A School, 100 Students, Grades 11-12.

Montclair: Montclair Alternative School, Montclair High School, Montclair, NJ 07042. School Within A School, Grades 9-12, 10-12 Students.

Montclair Storefront Academy, 160 Bloomfield Ave., Montclair, NJ 07042. Learning Center, Ages 14-19, 10-15 Students.

Montclair Team School, 176 N. Fullerton Ave., Montclair, NJ 07042.

Moorestown: Our New School, Moorestown, NJ.

Neptune: Neptune Alternate School, 2106 Bangs Ave., Neptune, NJ 07753.

Neptune P.O.L., Municipal Building, Neptune Blvd., Neptune Township, NJ 07753. Grades 10-12, 50 Students.

Newark: Education Center for Youth, 15 James St., Newark, NJ 07102. Dropout Center, Grades 9-12, 100 Students.

Independence High School, 179 Van Buren St., Newark, NJ 07100. Dropout Center, Grades 10-12, 30 Students.

School Within A School, 80 Johnson Ave., Newark, NJ 07108. Multi-Cultural/Urban, Grades 9-12, 200-500 Students.

New Brunswick: Gibbons School, Alternative Public High School, New Brunswick, NJ.

NEW JERSEY

Orange: Alternative Learning Community, c/o Holy Spirit Church, 70 Main St., Orange, NJ. Grades 7-12.

Patterson: Dale Avenue School, 21 Dale Ave., Patterson, NJ 07505. Multi/Cultural, Grades Pre K-3, 500 Students.

Perth Amboy: Community Guidance, 333 State St., Perth Amboy, NJ 08861. Learning Center.

Perth Amboy High School, Eagle Ave., Perth Amboy, NJ 08861. Multi/Cultural, Grades 9-10, 15 Students.

Perth Amboy Alternative School, 333 State Street, Perth Amboy, NJ 08861. Continuation School, Grades 9-12, 15 Students.

Princeton: Princeton Learning Community, Princeton Regional School, P.O. Box 711 Moore St., Princeton, NJ 08540. Free School, Grades 9-12, 100 Students.

Ridgewood: Ridgewood Alternative School, School Within A School, East Ridgewood Ave., Ridgewood, NJ 07451. School Within A School, Grades 11-12, 36 Students.

Rumson: Alternative Senior Program, Rumson Fair Haven Regional High School, Rumson, NJ 07760. School Within A School, Grade 12, Varied enrollment.

Saddle Brook: Alternate School, Coolidge School, Saddle River Road, Saddle Brook, NJ. School Within A School, 15 Students.

Sayreville: Project Mainstream, Sayreville Junior High School, 70 Main St., Sayreville, NJ 08872. Grades 7-9, 19 Students.

Sewell: Washington Township Mini-School, Sewell, NJ 08080.

Somerset: Franklin Township Alternate School, 761 Hamilton St., Somerset, NJ 08873. School Within A School, Grades 9-12, 35 Students.

Teaneck: Teaneck High School Alternative School, 100 Elizabeth Ave., Teaneck, NJ 07666. School Within A School, Grades 11-12, 105 Students.

West Caldwell: Satellite Program, Caldwell High School, Westville Rd., West Caldwell, NJ 07006. Satellite/Continuation, Grades 10-12, 50 Students.

Willingboro: Alternative School, 126 Newcastle Lane, Willingboro, NJ 08076.

Willingboro School House, Beverly-Rancocas Rd., Willingboro, NJ 08046. Multi-Cultural, Grades 7-10, 50 Students.

Woodbridge: Woodbridge Alternate School, Woodbridge, NJ 07095.

Woodbridge Township School District, 71 Main Street, Woodbridge, NJ 07095. Grades - Junior High, 24 Students.

Linden: Rise Program, Livingston College Neighborhood Education Center, (LCNEC), 1130 E. St. George Ave., Linden, NJ 07036. Continuation School, High School Students.

NEW MEXICO

Albuquerque: Freedom High School, 500 Marble Ave. N.W., Albuquerque, NM 87102. Dropout Prevention Center, Grades 10-12, 208 Students.

School on Wheels, 217 Marquette NE, Albuquerque, NM 87102. Continuation School/Multi-Cultural School, Grades 10-12, 100-200 Students.

Twelve Gates Community School, Wellsley 1, Albuquerque, NM 87100.

Las Cruces: Alternative High School, Las Cruces, NM. Continuation School-Public, 28 Students.

NEW YORK

Actionville; Mamaroneck Avenue School, Union Free District Number One, Actionville, NY. School Within A School, Grades K-8, 47 Students.

Albany: Albany Street Academy, 165 Clinton Ave., Albany, NY 12200. Continuation/Multi-Cultural, Grades 9-12, 50-100 Students.

Albany Street Academy, 224 N. Pearl St., Albany, NY 12200. Community Based Open School, Dropout Prevention Center, Grades 9-12, 130 Students.

Public School #25 - Alternative School, 196 Morton Ave., Albany, NY 12202. Independent School Within School District, Grades 5-9, 43 Students.

Brooklyn: Bed-Stuy Street Academy, 1147 Bedford Ave., Brooklyn, New York 11200

Boys High School, 832 Marcy Ave., Brooklyn, NY 11216. Continuation School Ages 16-18.

City As School, Board of Educ., 59 Schermerhorn St., Booklyn, NY 11201. School Without Walls, Grades 10-12, 210 Students.

Thomas Jefferson, Alternative School, 400 Pennsylvania Ave., Brooklyn, NY 11207. School Within A School, Multi-Cultural, Grades 9-12, 120 Students.

High School Redirection Program, 315 Berry St., Brooklyn, NY 11211. School Without Walls, Grades 9-12, 240 Students.

John Dewey High School, 50 Avenue X, Brooklyn, NY 11223.

Union Carbide Street Academy, 1147 Bedford Ave., Brooklyn, NY 11200.

Bronx: Morris High School, 166th and Boston Rd., Bronx, NY 10456. Music Mini School, Grades 10-12, 90 Students.

Evander Childs Mini-School, 800 E. Gun Hill Rd., Bronx, New York 10467. Learning Center, Grades 10-12, 175 Students.

Buffalo: Build Academy, 342 Clinton, Buffalo, NY 14200. Open School, Pre K-6, 547 Students.

Cambria Heights: Andrew Jackson High School, 207-01 116th Ave., Cambria Heights, NY 11411. Mini School.

Dix Hills: Half Hollow Hills High School, 50 Vanderbilt Parkway, Dix Hills, NY 11746. Open School, Grade 12, 16 Students.

Eastchester: Eastchester Alternative School, Eastchester High School, 15 Stewart Place, Eastchester, NY 10707.

Farmingdale: Farmingdale Informal School, Lincoln and Intervale Ave., Farmingdale, NY 11735. Open School, Grades 11-12, 110 Students.

Flushing: John Browne Prep School, 63-25 Main St., Flushing, NY 11427. Open School, Grades 9-12, 85 Students.

Great Neck: Community School, 35 Polo Rd., Great Neck, Long Island, NY 11020. Open School, School Within A School, Grades 10-12, 125 Students.

Village School, 10 Arrondale Ave., Great Neck, NY 11024. Free School, Ages 15-18, 81 Students.

Cedarhurst: Life (Learning in a Free Environment), Lawrence High School, Cedarhurst, NY 11516. School Within A School, Grades 11-12, 50 Students.

Henrietta: Score, Sperry High School, Lehigh Station Rd., Henrietta, NY. School Within A School, Grades 10-12 plus, 50 Students.

Hewlett: The Community School, Hewlett High School, 60 Everit Ave., Hewlett, NY 11557. Open School.

Ithaca: The East Hill Program, 116 North Quarry St., Ithaca, NY 14850. Open School, Grades K-6, 100-200 Students.

NEW YORK

Ithaca: East Hill School, Ithaca, NY 14850. Open School, Grades 1-6, 165 Students.

Henry St. John, 310 Geneva St., Ithaca, NY 14850. Open School, Grades Pre K-6, 217 Students.

South Lansing School, Storefront School, Alternate School, Ithaca, NY.

Teacher Dropout Center, Box 657, Ithaca, NY 14850.

Larchmont: Mamaroneck Public School System, The Hommocks School, Larchmont, NY. School Within A School, Grade 7, 125 Students.

Long Island: Learning in a Free Environment (Life), Lawrence High School, Cedarhurst, Long Island, NY. School Within A School, Grades 11-12, 50 Students.

Long Beach: Nick-School, Long Beach Public Schools, Long Beach, NY. K-6 Open School, K-12 Humanistic School.

Lynbrook: Link, Inc., 27 Hempstead Ave., Lynbrook, NY. Free School, Grades 9-12, 150 Students.

Mamaroneck: HOPE, Union Free District No. 1, Mamaroneck High School, 1116 Palmer Ave., Mamaroneck, NY 10543. School Within A School, Multi-Cultural, Ages 15-18, 50 Students.

Kommunity Individualization Cooperation (KIC), Union Free School District No. 1, Mamaroneck High School, Mamaroneck, NY. School Within A School, Grades 9-12, 75 Students.

Mamaroneck Avenue School, Union Free District No. 1, Mamaroneck, NY 10543. Grades 1-2-3, 20-25 Students.

SMILE (School for Multi-Integrated Language Education), Union Free School District No. 1, Mamaroneck High School, Mamaroneck, NY. School Within A School, Grade 10, 61 Students.

SWAS (School Within A School), Union District No. 1, Mamaroneck High School, Mamaroneck, NY. Grades 9-12, 150 Students.

Melville: Half Hollow Hills Alternative High School, Box 637, Melville, NY 11746. Open School, Grade 12, 16 Students.

Mount Vernon: Alternate School, Eastchester School District, Mount Vernon (Eastchester), NY. School Within A School.

New Hyde Park: Herricks Community School, Shelter Rock Rd., New Hyde Park, NY 11040. Open School, Grades 10-12, 135 Students.

New Rochelle: Albert Leonard Junior High School, Gerada Lane, New Rochelle, NY 10804. School Within A School, Grades 7-9, 80 Students.

Alternative Learning Experience Center, Isaac E. Young Junior High School, 270 Centre Ave., New Rochelle, NY 10801. School Within A School.

3 I's Program for Inquiry, Involvement and Independent Study, North Ave., New Rochelle, NY 10801. School Without Walls, Grades 9-12, 150 Students.

Junior High Alternative, Albert Leonard Jr. H.S., 25 Gerada Lane, New Rochelle, NY 10804.

Bronx: Career Resource Center, Community School District No. 7, 525 Courtland Ave., Bronx, NY 10451. Learning Center, Action Learning, School Without Walls.

New York: Alternate High School, 140 Nassau St., New York, NY. Learning Center, Grades 9-12, 150 Students.

Ben Franklin Street Academy, 2241 First Ave., New York, NY. Dropout Center, Grades 9-12, 90 Students.

Break Free (L.E.S.P.) Lower East Side, Prep School, 11 John St., Rm. 808, New York, NY 10038. Preparatory School-Open, Ages 14-21, 175 Students.

NEW YORK

New York: City-as-School, New York, NY. School Without Walls, 200 Students.

Clinton Program, 314 W. 54th St., New York, NY 10019. School Without Walls, Grades 7-9, 155 Students.

Haaren High School, 899 10th Ave., New York, NY 10019. Complex of 12 mini-schools, Grades 9-12, 2500 Students.

East Harlem Block Schools, Elementary Alternatives, New York, NY.

Harambee Prep School, 250 N. 18th St., New York, NY 10011. Mini School, Grades 9-12, 125 Students.

Harlem Prep, 2535 Eighth Ave., New York, NY 10030. Learning Center, Ages 15-21.

Irving Place Academy, 40 Irving Place, New York, NY 10014. Multi-Cultural, Grades 9-11, 100-200 Students.

Julia Richmond High School, 331 E. 70th St., New York, NY 10022. Open Community School, Grades 9-12, 70 Students.

Joan of Arc Mini School, 164 W. 97th St., New York, NY 11023. School Without Walls, Grade 9, 103 Students.

Lincoln Academy, 15 W. 126th St., New York, NY 10027.

Downtown Academy (Central Commercial H.S.), 2 New York Plaza, New York, NY 10004. Mini School.

Park East Alternative Public High School, 230 E. 105th St., New York, NY 10029. Grades 9-12, 475 Students.

P.S. 3, 490 Hudson St., New York, NY 10014. Open School, Grades 1-5, 450 Students.

Satellite Academy, 132 Nassau St., New York, NY 10038. Learning Center, Grades 10-12, 100 Students.

Seward Park Off-Campus School, 350 Grand St., New York, NY. Learning Center, Grades 11-12, 950 Students.

West Side High School, 257 W. 93rd St., New York, NY 10025. Independent School-Alternative High School, 100 Students, Grades 9-11 (12th grade to be added next year).

Wingate Prep, Eastern Parkway and Bedford Ave., New York, NY. Dropout Center, Grades 9-12, 80 Students.

Rochester: Interim Jr. High School, 31 Prince St., Rochester, NY 14600. Learning Center, Grades 7-8, 419 Students.

Neighborhood Street Academy, 406 Champlain St., Rochester, NY 14600.

School Without Walls, City School District, 50 W. Main St., Rochester, NY 14614. Multi-Cultural, Grades 9-12, 100-200 Students.

School Without Walls, 4 Elton St., Rochester, NY 14600. School Without Walls, Grades 9-12, 175 Students.

World of Inquiry, 46 Moran St., Rochester, NY 14611. Open School, Grades K-6, 200 Students.

Rockville Center: Greenhouse Alternative High School, Rockville Center, NY. School Without Walls.

Roslyn Heights: Alternative Program, Roslyn High School, Roslyn Heights, NY 11577. Grades 11-12, 52 Students.

Scarsdale: Alternative School, Scarsdale Public School System, Scarsdale, NY 10583. Free School, Grades 10-12, 60 Students.

CHOICE, Junior High, Scarsdale, NY 10583. 43 Students.

Schenectady: Schenectady Open School, Washington Irving Educational Center, 418 Mumford St., Schenectady, NY 12307. Open School, Grades K-6, 134 Students.

Spring Valley: Ramado Senior High School, E. Ramado Central School District, 400 Viola Rd., Spring Vally, NY 10977. Open School/School Within A School, Grades 11-12, 80 Students.

NEW YORK

Staten Island: Port Richmond Academy, Port Richmond High School, Innis St. and St. Joseph, Staten Island, NY 10302. School Within A School, Grades 10-12, 50-100 Students.

Syracuse: Occupational Learning Center, 717 S. Warren St., Syracuse, NY 13202. Grades 9-12, 135 Students.

Shonnard Street School, 805 S. Crouse Ave., Syracuse, NY 13200. Experimental Program, Grades 3-10, 20 Students.

Westbury: Westbury New School, Post Ave. School, Post Ave., Westbury, NY 11590. Grade 12.

West Hempstead: Safe, West Hempstead High School, 400 Nassau Blvd., West Hempstead, NY 11552. Open School, Grades 9-12, 50-100 Students.

White Plains: Community School, 250 Bryant Ave., White Plains, NY 10605. Grades 8-12, 115 Students.

New York: The Resource Center for Environmental Education (TREE), Federal Hall National Monument, 26 Wall St., New York, NY 10005. Learning Center.

The Showboat, Eugene O'Neill Theatre Center, 1860 Broadway, New York, NY 10023. Learning Center.

Growth Through Art and Museum Experience (G.A.M.E.), 260 W. 86th St., New York, NY 10024. Learning Center.

A.R.T.S., Inc., 98 Madison Ave., New York, NY 10002. Teacher Resource Center.

The Studio Museum In Harlem, 2033 Fifth Ave., New York, NY 10035. Learning Center.

Children's Art Carnival, 641 St. Nicholas Ave., New York, NY 10030. Learning Center on Wheels, School Without Walls.

El Museo del Barrio, 1945 Third Ave., New York, NY 10029. Learning Center.

NORTH CAROLINA

Charlotte: Myers Park Optional Traditional School, 2132 Radcliffe Ave., Charloote, NC 28207. Traditional, Grades K-6, 500 Students.

Optional Evening School, Metropolitan Campus, 830 S. Independence Blvd., Charloote, NC 28202. Continuation School, Grades 9-12, 110 Students.

Street Academy, 806 S. Poplar St., Charlotte, NC 28202. Open School, Ages 12-18, 110 Students.

Piedmont Optional Middle School, 1241 E. 10th St., Charlotte, NC 28204. Grades 6-8.

Elizabeth Optional Open School, 1600 Park Dr., Charlotte, NC 28204.

West Charlotte High School, Open School Component, Charlotte, NC. School Within A School, Grades 10-11, 270 Students.

Durham: Durham City Night School, Holton Junior High Building, Durham, NC. Continuation School, Ages 16-18, 100 Students.

Greensboro: Greensboro Optional School, Greensboro, NC. Continuation School.

New Gardens Friends School, Box 8141, Greensboro, NC 27410.

Wilmington: Optional Evening School, Wilmington, NC. Continuation School, 400 Students.

Winston-Salem: Moore Laboratory School, 451 Knollwood Ave., Winston-Salem, NC 27100. 600 Students.

North Carolina Advancement School, 1621 E. Third St., Winston-Salem, NC 27101. Grades 4-6, 50-100 Students.

North Carolina School of the Arts, P.O. Box 4657, Winston-Salem NC 27107.

The Governor's School of North Carolina, Drawer H, Salem Station, Winston-Salem, NC 27108. Open School, Grades 11-12, 393 Students.

Winston-Salem/Forsyth Co., Public Schools, Box 2513, Winston-Salem, NC 27102

OHIO

Beachwood: Concept One, Beachwood High School, 25100 Fairmount Blvd., Beachwood, OH 44122. School Within A School, Open School, Ages 14-18, 104 Students.

Berea: Berea Board of Education, 390 Fair St., Berea, OH 44017.

Brookpark: Ford Junior High School, 17001 Holland Rd., Brookpark, OH 44142. Open School, Ages 14-16, 52 Students.

Cincinnati: City-Wide Learning Community, 2515 Clifton Ave., Cincinnati, OH 45219. Community Learning Center, Grades 9-12, 116 Students.

Macmillan School, Cincinnati, OH.

Mt. Adams School for the Creative and Performing Arts, 1125 St. Gregory St., Cincinnati, OH 45202. School Within A School, Grades 4-6, 100-200 Students.

Pinceton Alternative Education Program, Woodlawn-Wayne Bldg., 10170 Wayne Ave., Cincinnati, OH 45215. Pregnant Girls Center, Ages 14-18, 150 Students.

Shroder Junior High, 3500 Lunsford Place, Cincinnati, OH 45213. Grades 7-9, 665 Students.

Cleveland: Cleveland Urban Learning Community, 2056 E. 4th St., Cleveland, OH 44115. High School Level, 110 Students.

The Street Academy, 8329 Euclid Ave., Cleveland, OH 44103.

Cleveland Heights: Cleveland Heights High School, Cleveland Heights, OH. School Within A School, Grades 9-12, 140 Students.

Fairfax Elementary School, Cleveland Heights Public School System, Cleveland Heights, OH 44118. School Within A School, Grades K-6, 520 Students.

New School, Cleveland Heights High School, 13263 Cedar Rd., Cleveland Heights, OH 44118. Schools Within A School, Grades 9-12, 328 Students.

Columbus: Worthington Alternative High School, 2075 W. Grandville Rd., Worthington, OH 43085. Grades 9-10, 160 Students.

Dayton: Alternative Learning Center South, 301 Lower St., Dayton, OH 45409. Continuation School, 200 Students.

Daytime Center for Girls, c/o Y.W.C.A., 141 W. Third St., Dayton, OH 45402. Pregnant Girl Center, Ages 14-18, 150 Students.

The Dayton Public Schools, Alternative Learning Center, 348 W. First St., Dayton, OH 45402. Ages 14-19, 200 Students.

Oxford: Stewart School, College & Spring Sts., Oxford, OH 45056. Grades 7-8.

Worthington: Worthington Alternative School, c/o John L. Miller, 2075 W. Granville Rd., Worthington, OH 43085. Open School, School Without Walls, Grades 9-12, 150 Students.

OKLAHOMA

Norman: Project Interblock, Norman Public Schools, Norman High School, West Main & Pickard, Norman, OK 73069. School Within A School, Ages 16-20, 90 Students.

Okmulgee: The Lost Sheep, Okmulgee Public Schools, Okmulgee, OK 74447.

Tulsa: Early Childhood Development Center, Tulsa Public Schools, P.O. Box 45208, Tulsa, OK 74145. 160 Students, Pre-K (4 years old).

Project 12, Johnson School, 507 East Easton, Tulsa, OK 74120. Dropout Center, Ages 16-21, 80 Students.

Tulsa Public Schools, Carver Middle School, 624 E. Oklahoma Place, Tulsa, OK 74106. Grades 6-8, 200-500 Students.

Tulsa Public Schools, P.O. Box 45208, Tulsa, OK 74145. Learning Center, Junior High Level, 6-8 Students on Half to Full Day Basis.

Tulsa Public Schools, P.O. Box 45208, Tulsa, OK 74145. (Washington High School), Grades 9-12, 1082 Students.

OREGON

Cornwallis: Cornwallis Alternative School Group, Cornwallis, OR. Planning Stage.

Eugene: Action High School, 650 W. 12th Ave., Eugene, OR 97402. School Without Walls, Grades 11-12, 54 Students.

Bailey Hill Elementary, 2295 Four Oaks Grange Rd., Eugene, OR 97402. School Within A School, Ages 6-12, 75-80 Students.

Eastside School, 1328 E. 22nd Ave., Eugene, OR 97402. School Within A School, Ages 6-12, 144 Students.

Ida Patterson Primary Center, 1510 W. 15th Ave., Eugene, OR 97402. Learning Center, 150 Students.

Lincoln Elementary School, 650 W. 12th Ave., Eugene, OR 97402. Open Classroom, Ages 6-12.

Magnet Arts, 1787 Agate St., Eugene, OR 97402. School Within A School, Open School, Ages 6-12, 150 Students.

Opportunity Center, 797 Sycamore St., Eugene, OR 97402. Open School, Grades 8-10.

Opportunity Center, Eugene Public Schools, Alternative School Program, 200 N. Monroe, Eugene, OR 97402. Learning Center, Grades 8-10, 50-100 Students.

Roosevelt Junior High, 680 E. 24th Ave., Eugene, OR 97402. Open School, 821 Students.

Silver Lea Corridor School, 250 Silver Lane, Eugene, OR 97402. School Within A School, Ages 6-12, 154 Students.

Washington School Within A School, 3515 Harlow Rd., Eugene, OR 97402. School Within A School, Grades 2-6, 75 Students.

Willard Environmental/Outdoor School, 2855 Lincoln St., Eugene, OR 97402. School Within A School, Grade 6, 24 Students.

Molalla: Molalla High School, P.O. Box 7, Molalla, OR 97038. Student Oriented Learning Center, Grades 9-12, 100-200 Students.

Portland: Albina Youth Opportunity School, 3710 Mississippi Ave., Portland, OR 97227. Optional-Continuation School, Grades 8-12, 70 Students.

Drop-In Learning Center, Portland, Or. Sponsored by the Oregon Museum and the Housing Authority of Portland.

Focus, 2735 N.E. 82 Ave., Portland, OR 97220. School Within A School, Dropout Center, Grades 9-11, 100 Students.

Metropolitan Learning Center, Portland Public School System, Portland, OR. School Within A School, Ages 5-17, 180 Students.

Quincey School, Hohn Adams High School, 5700 NE 39th Ave., Portland, OR 97211. School Within A School, Grades 9-12, 135-150 Students.

Williamette Learning Center, 834 Southeast Ash, Portland, OR 97214.

PENNSYLVANIA

Butler: Alternative Education, Butler Area School District, 167 New Castle Rd., Butler, PA 16001.

Erie: Learning Center, The Model Middle School, School District of the City of Erie, 1926 W. 6th St., Erie, PA 16505. Grades 5-8, 450 Students.

The Harding Learning Center, School District of the City of Erie, PA. 1926 W. 6th St., Erie, PA 16505. Grades K-4, 481 Students.

Haverford: Allgate Mansion, Coopertown & Darby Roads, Haverford, PA 19041. Free School, Grades 11-12, 120 Students.

Lansdowne: Project New School, P.O. Box 157, Lansdowne, PA 19050. Continuous Progress, Open School, Grades Pre K-4, 88 Students.

Latrobe: Open Learning Center, P.O. Box 452, Latrobe, PA 15650. Grades 2-4, 140 Students.

Millersville: Stayer Research & Learning Center, Millersville State College, Millersville, PA 17551. Open School, Grades K-8, 200 Students.

Norristown: Norris Area Alternative School, 1900 Eagle Dr., Norristown, PA 19401. School Within A School, Grades 10-12, 50 Students.

Philadelphia: Academy for Career Education at Olney, Front and Duncannon Sts., District 7, Philadelphia, PA.

The Arthur School, 1906 S. Rittenhouse Square, District 2, Philadelphia, PA.

Barratt Junior High School, 16th & Wharton Sts., District 2, Philadelphia, PA. Learning Center, Grades 8-9.

Bartlett Junior High School, LADS, 11th & Catherine, District 3, Philadelphia, PA. School Within A School.

Bartram High School, Bartram Basic Skills and Training School, 66th & Woodland Ave., District 1, Philadelphia, PA. Learning Center, Potential Drop-outs.

Bartram High School, Bartram School for Human Services, 3723 Chestnut St., Philadelphia, PA. School Without Walls, Grades 10-12, 200 Students.

Beeber Junior High School, Beeber Academy, 1323-7 North 52nd St., Philadelphia, PA. School Within A School, Grade 7, 100-200 Students.

Beeber/Wynnefield School, Alternative Program for the Talented Student, 59th St. & Malvern Ave., District 4, Philadelphia, PA. Secondary Grades.

The William S. Bishop Alternative Program, 49th and Wyalusing Ave., District 4, Philadelphia, PA 19131. Learning & Counseling Center, Ages 12-16, 120 Students.

BOK Vocational High School, PAVE (Programs for Alternatives in Vocational Education), 8th & Mifflin Sts., District 3, Philadelphia, PA. School Within A School.

Central High School, Ogonzt & Olney Aves., Philadelphia, PA., District 6. Eleventh Grade Independent Study Program, Twelfth Grade Off-Site Internship Program.

Cooke Learning Experience Center-CLEC, Cooke Jr. High School, 4400 N. Broad St., Philadelphia, PA 19141. Learning Center, Ages 13-15, 60 Students.

District 3 Cluster Alternative Program, 532 Spruce St., Philadelphia, PA.

Edison Project, Edison High School, c/o Potter School, 4th & Clearfield, Philadelphia, PA. 19133. Grades 10-12, 250 Students.

Fels Junior High School, Devereaux & Langdon, Philadelphia, PA 19103. Learning Center, School Within A School, "Super School", 60 Students.

The Franklin Learning Center, 15th & Mt. Vernon Sts., Philadelphia, PA., District 2. Learning Center/Continuation School, Grades 9-12, Several Programs.

PENNSYLVANIA

Philadelphia: Furness Jr. High School, SNAP, 3rd & Mifflin St., District 5, Philadelphia, PA. Learning Center/ School Within A School, Ages 12-16, 30 Students.

Germantown High School, McCallum and Haines St., Philadelphia, PA., District 6. Urban Career Education Center.

Germantown High School/Martin Luther Kind High School, Germantown Ave. & High St., Philadelphia, PA., District 6. Germantown/King Paired H. S. Program for Talented Students.

Simon Gratz High School, 17th & Lazerne Sts., District 4, Philadelphia, PA. Content Area Reading Experiences (CARE), School Within A School, 50-100 Students.

Harding Junior High, Mulberry & Meadow Sts., Philadelphia, PA., District 7. The Learning Tree, Learning Center, Grade 9, 50 Students.

Intensive Learning Center, 5th & Luzerne Sts., Philadelphia, PA 19140. Middle School, Grades 1-6, 375 Students.

Kennsington High School, 5301 York Rd., Philadelphia, PA., District 5. Pre-Paramedic Corps, Grades 10-12, 25-30 Students.

Martin Luther King High School, Stenton Ave. & Dorset St., Philadelphia, PA., District 6. Selecting Alternatives to Violence Through Education (SAVE).

Robert E. Lamberton School, 7630 Wood-B bine Ave., Philadelphia, PA. Alternative Program, Grades K-12.

Lea Junior High School, 47th & Locust, Philadelphia, PA., District 1. Open Classroom Junior High Program, Grade 7.

Lewis Middle School, Tulpehocken & Ardleigh Sts., Philadelphia, PA., District 6. Lewis Alternative Program, School Within A School.

Lincoln High School, C.A.B.L.E., Rowland and Ryan Ave., Philadelphia, PA 19136. Career Orientation Program, Ages 16-19, 40 Students.

Middle Years Alternative, 3500 Lancaster Ave., District 1, Philadelphia, PA. Ungraded Open Education Program.

Northeast High School, Algon St. and Cottman Ave., District 8, Philadelphia, PA. Northeast Alternative Learning Program (NALP), Open Classroom.

Parkway Program, c/o Franklin Institute, 20th St. and the Parkway, Philadelphia, PA. Schools Without Walls (5 locations), Grades 9-12, 800 Students.

The Parkway Program, Alpha Unit, 1891 Market St., Philadelphia, PA 19103. Grades 9-12, 200 Students.

The Parkway Program, Beta Unit, 125 N. 23rd St., Philadelphia, PA 19103. Grades 9-12, 200 Students.

The Parkway Program, Delta Unit, 6008 Wayne Ave., Philadelphia, PA 19144. Grades 9-12, 200 Students.

The Parkway Program, Gamma Unit, 16 N. Front St., Philadelphia, PA 19106. Grades 9-12, 200 Students.

Parkway Program, Epsilon Unit, 15th & Mt. Vernon Sts., Philadelphia, PA. Grades 9-12, 200 Students.

Pennsylvania Advancement School, Fifth & Luzerne Sts., Philadelphia, PA 19140. Learning Center, Grades 7-9, 200 Students.

The Philadelphia Business Academy, 36th & Filbert, Philadelphia, PA. School Within A School (University City High School), Grades 10-11, 100 Students.

The Philadelphia Youth Theatre, Learning Center for High School Students, Society Hill Playhouse, 507 S. Eight St., Philadelphia, PA 19147. Ages 16-18, 30 Students.

PENNSYLVANIA

Philadelphia: Penn Treaty Junior High, District 5, Philadelphia, PA. 3 Programs:

BEST - 701 E. Thompson, Better Education Through Service & Training, Career Learning Center, 60 Girls, Ages 14-16.

DRIVE - Montgomery & Thompson Sts. Grades 8-9, 90 Boys.

PEP - 1603 Franklin Ave., Drop-out Prevention Center.

Pickett Middle School, Wayne and Chelten Aves., Philadelphia, PA., District 6. Grades 6-7.

Rhodes Middle School, 29th & Cleafield Sts., Philadelphia, PA., District 4. Contractural Learning, Individualized Teaching.

Roosevelt Middle School, Washington Lane & Musgrave St., Philadelphia, PA., District 6. School Within A School.

Roxborough Alternative High School, 6401 Wayne Ave., Philadelphia, PA 19128. Learning Center/School Within A School, Grades 10-12, 75 Students.

Rush Middle School, Knights and Fairdale Rds., Philadelphia, PA., District 8. Open Classroom/Individualized.

Sayre Junior High School, 58th & Walnut Sts., Philadelphia, PA 19139. Modified School Without Walls, School Within A School, Grades 7-9, 40 Students.

South Philadelphia High School, Southern Alternative Learning Experience (SALE), Broad St. and Jackson St., Philadelphia, PA. Learning Center, Ages 15-17, 150 Students.

Stoddart-Fleisher Junior High School, 13th & Green, Philadelphia, PA 19123. Mini School Within A School, 120 Students.

Tioga Specialized Learning Center, 3519 1/2 N. 22nd St., Philadelphia, PA. Learning Center, Grades 10-12, 80 Students.

Vare Junior High School, 22nd St. & Snyder Ave., District 2, Philadelphia, PA. Vocational Experience Center.

Vaux Junior High School, 24th & Master, Philadelphia, PA., District 2. Alternative Program: Career Development Center, Basic Skills Center, Child Care Development Center.

George Washington High School, Bustleton and Verree Rd., Philadelphia, PA 19116. School Within A School, Grades 8-11, 40 Students.

West Philadelphia Community, 4226 Baltimore Ave., Philadelphia, PA 19104. Free School, Grades 10-12, 100-200 Students.

West Philadelphia University City, 36th & Filbert, Philadelphia, PA. Grades 10-12, 386 Students.

Pittsburgh: Penn Circle Community High School, 122 S. Whitfield, Pittsburgh, PA 15206. Open School, Grades 9-12, 100 Students.

Radnor: Alternative West High School, Public Alternative H.S., 237 Upper Gulph Rd., Radnor, PA. 81 Students.

Wallingford: Wallingford-Swarthmore, School Alternative Program, c/o Nether Providence High School, Providence Rd., Wallingford, PA 19086. School Within A School, 20 Students.

West Chester: West Chester Area School District, Alternative School, 211 N. High St., West Chester, PA 19380. Open School, 30 students each year.

Wyncote: Alternative School - East, Greenwood Ave. and Watt Lane, Wyncote, PA 19095. Open School, Grades 10-12, 150 Students.

Wynnewood: Warren Doty, Alternative School West, Montgomery Ave., Wynnewood, PA.

Yeadon: Project New School, Deleware County CIE, P.O. Box 193, Yeadon, PA 19050. Open School, Grades K-5, 200 Students.

RHODE ISLAND

Bristol: Multi-Unit School, 500 Wood St., Bristol, RI 02809. Open School, Grades 3-7, 100-200 Students.

Providence: Alternate Learning Project, 180-182 Pine St., Providence, RI 02903. School Without Walls, Grades 9-12, 125 Students.

Central High School, 70 Winter St., Providence, RI 02903. School Within A School, Grades 9-12, 175 Students.

Knowledge is Power, Rhode Island College Campus, Providence, RI 02908. Contract Learning/Open School, Grades 9-12, 40 Students.

Kodachrome, 25 North Rd., Providence, RI 02879.

Phoenix House, Gilbert Stuart Middle School, 188 Princeton Ave., Providence, RI 02900. School Without Walls, Grades 5-8, 25 Emotionally Disturbed Students.

Project Challenge, Mt. Pleasant H. S., Providence, RI 02908. Contract Learning/Site Placements, Grades 10-11, 100 Students, School Within A School.

Providence Alternative and Transitional H. S., 3 Holden St., Providence, RI 02908. Continuation School, Grades 9-12, 125 Students.

South Kingston: Kodachrome Public Alternative School, South Kingston, RI. Continuation School, Grades 9-12, 12 Students.

Cranston: Stadium School, Cranston, RI. Grades K-6, 3 Options: Traditional, Open, Combination.

SOUTH CAROLINA

Columbia: Walk-In School, 1716 Williams St., Columbia, SC 29201. Contract Learning Center, Grades 9-12, 75 Students.

SOUTH DAKOTA

Ellsworth: Ellsworth A.F.B. Douglas School System, Ellsworth, SD 57706. School Within A School, Grades K-12, 1800 Students.

TENNESSEE

Oak Ridge: Oak Ridge High School - West Campus, Providence Rd., Oak Ridge, TN 37830. Open School, Grades 10-12, 50-100 Students.

TEXAS

Abilene: Alternative Learning School, Regional 14 Ed. Services Center, West Lake Rd., Abilene, TX. Continuation School, 75 Students.

Amarillo: Carver Alternative High, 1905 N.W. 12th, Amarillo, TX 79107.

Barrsville: Missionary School for Wayward Boys, 2874 Vernon Ave., Barrsville, TX 78835. Continuation School, Grades 1-3, 459 Students.

Corpus Christi: Alternative Education Center, 820 Buffalo, Corpus Christi, TX 78401. Continuation, Multi-Cultural School, Grades 9-12, 200-500 Students.

Crystal City: Project Opportunity, 805 W. Crockett St., Crystal City, TX 78839. School Within A School, Grades 11-12, 100 Students.

Dallas: Metro Alternative Schools, Metro Learning Center, 2218 Bryan St., Dallas, TX 75204. Learning Center, Grades 9-12, 350 Students.

Metropolitan Center East, East School, 2439 Swiss, Dallas, TX. Continuation School.

Skyline Career Development Center, 7777 Forney Rd., Dallas, TX 75200. Career Learning Center, Grades 10-12, 2500 Students.

El Paso: Individualized Learning Center, 4864 Doniphan Dr., El Paso, TX 79912. Learning Center.

Houston: High School for Health Professions, Texas Medical Center, Baylor College of Medicine, Houston, TX. 400 Students, Grades 10-12.

The High School for the Performing & Visual Arts, 3517 Autin St., Houston, TX 77004. Open School, Dropout Center, Grades 9-12.

Houston Community High School, 315 E. Berry Rd., Houston, TX 77022. Multi-Cultural School/School Within A School, Grades 10-12, 50-100 Students.

Houston Technical Institute, Houston, TX.

UTAH

Salt Lake City: Master Academy (1), 3352 South State, Salt Lake City, UT 84115. Continuation School, Ages 13-30.

Master Academy (2), 3460 South Redwood Rd., Salt Lake City, UT 84115. Continuation School, Ages 13-30.

VERMONT

Barton: Project Onward, Lake Region Union High School, Barton, VT 05822. 40 Students.

Burlington: ASPIRE, Burlington High School, Burlington, VT 05401.

Montpelier: Montpelier Educational Facility, 54 Elm St., Montpelier, VT 05641. Free School, Grades 9-12, 25 Students.

Springfield: EPIC, (Experimental Program in Curriculum), Springfield High School, Springfield, VT 05156. School Within A School, Grades 9-12, 50 Students.

VIRGINIA

Arlington: Drew Elementary School, Arlington, VA.

Hoffman-Boston School, 1415 S. Queen St., Arlington, VA.

Woodlawn Program, 4720 N. 16th St., Arlington, VA 22205. Open School, Grades 10-12, 240 Students.

Chesapeake: Independent Study Center, 1617 Cedar Rd., Chesapeake, VA 23320. Grades Junior and Senior High School Disruptives.

Lynchburg: Lynchburg Learning Center, Park Avenue and Eighth St., Lynchburg, VA 24501. Grades 8-12, 60 Students.

Manassas: Garfield High School, Prince William County Schools, P.O. Box 389, Manassas, VA 22110.

McLean: Alternative Learning Program, Langley High School, 6520 Georgetown Pike, McLean, VA 22101. School Within A School, Open School, Grades 10-12, 100 Students.

New Point News: Point Option Point, Alternative High School, New Point News, VA. School Without Walls.

Norfolk: Maury High School, 322 W. 15th St., Norfolk, VA 23517. Multi-Cultural School, Grades 9-12, 500 Students.

Transition, 600 Reservoir Ave., Norfolk, VA 23504. School for Dropouts, Ages 1[illegible]-19, 200 Students.

Richmond: Open High School, 203A East Franklin St., Richmond, VA 23219. Open School, Grades 9-12, 105 Students.

WASHINGTON

Aberdeen: Continuation School, 216 N. G Street, Aberdeen, WA 98520. Learning Center, Grades 9-12, 130 Students.

Auburn: Auburn Off Campus, 101 D. N.W., Auburn, WA 98002. Dropout, Pregnant Girls Center, Open School, Grades 9-12, 104 Students.

Bellevue: Off Campus, 14200 S.E. 13th Place, Bellevue, WA 98007. Contract Learning School, Grades 8-12, 150 Students.

Olympus Northwest School, 9825 N.E. 24th, Bellevue, WA 98004. Open School-Learning Center, Ages 12-16, 100 Students.

Bothell: Special Assignment School, 18603 Bothell Way NE, Bothell, WA 98011, Grades 9-12, 92 Students, Dropout Center.

Bremerton: Alternative School For Dropouts, Burwell & Montgomery, Bremerton, WA 98310. Open School, Grades 9-12, 50 Students.

Summerhill, 11th and Lincoln, Bremerton, WA 98310. Continuation/School Within A School, Grades 9-12, 50-100 Students.

Castle Rock: Castle Rock Alternative School. Box 218, Castle Rock, WA 98611. Open School, Community School, Grades 9-12, 470 Students.

Chinook: Sea Resources, Ocean Beach School District #101, P.O. Box 117, Chinook, WA 98614. Free School, Grades 11-12, 50 Students.

Connell: Mesa Elementary School, Connell, WA 99326. Multicultural School, Grades 1-6, 150 Students.

Ellensburg: Task force on Optional Educational Experience, Ellensburg, WA. Planning Stage.

Issaquah: Re-Entry School, Box L, Essaquah Dis #411, Issaquah, WA 98027. Re-Entry School, Grades 7-12, 50 Students.

Everett: Mariner High School, 200 120th St., Everett, WA 98204. Free/School Within A School, Grades 9-12, 1500 Students.

Olivia Park Elementary, 200-108th St., SW, Everett, WA 98002. Multi Unit School, Grades K-5, 200-500 Students.

Federal Way: Continuation High School, 31455 28th Ave. S., Federal Way, WA 98002. Open School, Grades 9-12, 110 Students.

Ilwaco: Ilwaco Open School, Box F, Ilwaco, WA 98624. Open School, Dropout Center, Grades 9-12, 8 Students.

Kennewick: Kennewick High School, 500 S. Dayton St., Kennewick, WA 99336. Pregnant Girls Center, Grades 9-12, 6 Students.

Kirkland: Basic Education Skills Training School, Box 619, Kirkland, WA 98033. Learning Center, Grades 9-12, 30 Students.

Lake Washington Community School, Waverly Way and Market St., Suite A, Kirkland, WA 98033. Free School, Grades K-6, 31 Students.

Langley: Langley Cooperative School, Box 346, Langley, Wa 98260. Vocational Opportunity Center, Grades 11-12, 18 Students.

Lynwood: Continuation High School, 20000 68th Ave. W., Lynwood, WA 98036.

Mercer Island: Mercer Island Alternative School, 4160 86th St., Mercer Island, WA 98040. School Without Walls, Grades 9-12, 100 Students.

Mesa: Mesa Elementary School, Mesa, WA 99343.

Mukilteo: Mariner High School, Emander Rd., Mukilteo, WA 98275. Interdisciplinary Learning Center, Grades 9-12, 1500 Students.

WASHINGTON

Oakville: Oakville Open School, Box H, Oakville, WA 98568. Open School, Grades 1-12, 385 Students.

Pasco: Operation Motivation, 1515 E. Lewis, Pa[illegible]A 99301. Multi-Cultural/ School Wi[illegible] Walls, Grades 10-12, 100-200 Students.

Port Orchard: Mind Gallery, 1006 Karcher Rd., Port Orchard, WA 98366. Learning Center, Continuation, Grades 10-12, 45 Students.

Renton: Sartori Program, 315 Garden Ave., North, Renton, WA 98055. Off Campus School, Grades 7-12, 235 Students.

Seattle: Addams Re-Entry Program, 11051 34th Ave. N.E., Seattle, WA. Free School, Grades 7-9, 36 Students.

Adaptability Emphasis, Bagley Elementary School, 7821 Stone Ave. N. Seattle, WA 98103. School Within A School (Open School), 85 Students, Ages 8-11.

Al Ghani, 15343 25th Ave. NE, Seattle, WA 98155. Free School Within A School, Grades 10-12, 40 Students.

Allen's Alley, Allen Elementary School, 6615 Dayton Ave., N., Seattle, WA 98103. School Within A School, Grades 3-5, 47 Students.

Alternative Elementary School #1, 5320 17th Ave. S., Seattle, WA 98118. Learning Center, Grades K-9, 84 Students.

American Indian Heritage, Portable #3, 8815 Seward Park Ave. S., Seattle, WA 98118. Grades 9-12, 40 Students.

Ballard-Fremont (Youth Accountability Program), 2221 NW Market St., Seattle, WA 98107. Ages 12-17, 46 Students.

Basic Skills Emphasis Program, Day Elementary School, 3921 Linden Ave. N., Seattle, WA 98103. Ages 6-11, 136 Students.

Blaine Re-Entry Program, 2550 34th Ave. W., Seattle, WA. Re-Entry Program, Grades 7-9, 10 Students.

Boren Re-Entry Program, 5950 Delridge Way S.W., Seattle, WA. Re-Entry, Grades 7-9, 10 Students.

Broadview II, Broadview School, 12515 Greenwood N., Seattle, WA 98133. Open School, Grades 1-6, 50-100 Students.

CAMPI Satellite Pre-Schools, 1729 1/2 17th Ave., Seattle, WA. Academic Pre-Kindergarten, 240 Students.

Chief Shealth High School, 2600 S.W. Thistle St., Seattle, WA. Re-Entry Classes, Grades 9-12, 21 Students.

Choice Not Chance, Lincoln High School, 4400 Interlake Ave. N., Seattle, WA 98103. Open School, Grades 9-12, Total Student Body Involved.

The Cottage, 8815 Seward Park Ave., Seattle, WA 98118. School Without Walls, Grades 9-12, 150 Students.

Counterbalance, Queen Anne H. S., 215 Galer, Seattle, WA 98109. School Within A School, Grades 10-12, 50-100 Students.

Decatur School, 7711 43rd Ave. NE, Seattle, WA 98115. Open School, Grade 6, 52 Students.

Extended Rainier Beach Curriculum, 8815 Seward Park Ave. S., Seattle, WA. Open School, Grades 9-12, 20 Students.

Extended Services Program, 2410 E. Cherry St., Seattle, WA. Re-Entry Program, Grades 5-12, 250 Students.

The Franklin Project, 3013 S. Mt. Baker Blvd., Seattle, WA 98144. Learning Center, Grades 10-12, 25-35 Students.

Gypsy School Program, 3500 Fremont Ave. N., Seattle, WA 98103. Open School, Grades K-6, 10 Students.

Harrison Early Childhood, Education Center, Seattle, WA. Multi Cultural Magnet School, Grades K-3, 410 Students.

WASHINGTON

Seattle: Indian Alternative High School, Ranier Beach Campus, 730 S. Homer St., Seattle, WA 98108. Continuation School, Grades 9-12, 60 Students.

Interim School, 550 Mercer, Seattle, WA 98109. Continuation School, Grades 9-12, 50-100 Students.

Lincoln Evening School, 4400 Interlake Ave. N., Lincoln High School, Seattle, WA. Continuation, Dropout Center, Grades 9-12, 120 Students.

Madison Re-Entry Program, 3429 45th S.W., Seattle, WA. Learning Center, Re-Entry Program, Grades 7-9, 10 Students.

McClure Re-Entry Program, 1919 First Ave. W., Seattle, WA. Learning Center, Re-Entry Program, Grades 7-9, 12 Students.

Neighborhood Youth Corps, 3000 First Ave., Seattle, WA. Continuation, Dropout Center, Grades 9-12, 80-100 Students.

Neighborhood Youth Corps II, 1305 3rd Ave., Seattle, WA 98101. Continuation School, Grades 10-12, 100-200 Students.

Nova Project, Fifth and Seneca Sts., Seattle, WA 98101. School Without Walls, Grades 10-12, 90 Students.

Occupational and Career Emphasis Program, Latona Elementary School, 401 NE 42nd, Seattle, WA 98109. Free School, Grades Pre K-5, 200-500 Students.

Open Concept, Green Lake Elementary School, 2400 N. 65th St., Seattle, WA 98103. Grades 1-5, 182 Students.

Parole Juvenile Services Learning Center, 2377 Eastlake Ave. E., Seattle, WA 98103. Re-Entry Program, Grades 9-12, 45 Students, Continuation.

Plus Us, Mount Baker Youth Services Bureau, 3315 Ranier Ave. S., Seattle, WA 98144. Learning Center, Ages 12-17, 56 Students.

Project Interchange, 730 S. Homer St., Seattle, WA 98108. Multi-Cultural School/Continuation School, Grades 7-12, 200-500 Students.

P.S. #1, 2610 Nob Hill Ave., Seattle, WA 98109. Open Learning Center, Grades 10-12, 100-200 Students.

Queen Ann Re-Entry Program, 215 Galer St., Seattle, WA. Re-Entry, Grades 10-12, 15 Students.

Roosevelt-Marshall Re-Entry Program, 520 NE Ravenna Blvd., Seattle, WA. Re-Entry Center, Grade 9, 10 Students.

Roosevelt Tune-Inn Program, 1410 NE 66th St., Seattle, WA. Learning Center, . . Grades 9-12, 30 Students.

School-age Parent, 2101 S. Jackson, Seattle, WA 98144. Continuation Program, Grades 8-12, 50 Students.

Second Mile School, 14514 20th Ave. NE, Seattle, WA. Dropout Center, Grades 10-12, 30 Students.

Summit School, 1415 Summit Ave., Seattle, WA 98110. Inner City School/Free School, Grades 9-12, 50-100 Students.

Special Counseling and Continuation School, 1700 E Cherry St., Seattle, WA 98122. Grades 8-12, 50 Students.

Thompson Re-Entry Program, 13052 Greenwood Ave. N., Seattle, WA. Learning Center, Grades 7-9, 10 Students.

University Heights Alt. Program, 5031 University Way NE, Seattle, WA 98105. Grades K-6, 212 Students.

West Seattle Street Academy, 4201 SW Juneau St., Seattle, WA. Dropout Center, Grades 9-12, 25 Students.

Whitman Re-Entry Program, 9201 15th Ave. NW, Seattle, WA. Re-Entry Program, Grades 7-9, 10 Students.

WASHINGTON

Seattle: Youth Action Re-Entry Program, 4922 Rainier Ave. S., Seattle, WA 98118. Attitudal-Motivational Change Program, Grades 7-9, 10 Students.

Silverdale: Central Kisap Alternative School, Silverdale, WA 98383. Learning Center, Ages 14-17, 15 Students.

Spokane: Practicum in Community Involvement, Shadle Park High School, 4327 Ash St., Spokane, WA 99205. School Within A School, Grade 12, 51 Students.

Project SCOPE, W. 825 Trent Ave., Spokane, WA 99201, Open School, Potential Dropout Center, Grades 7-12, 250 Students.

Spokane Continuation H. S., 1617 North Calispel St., Spokane, WA 99205. Dropout, Learning, and Multi-Cultural Center, Grades 9-12, 480 Students.

Tacoma: Educational Opportunity Resource Center, 515 S. M Street, Tacoma, WA.

Pre-Vocational Program, Box 1357, Tacoma, WA 98401. Learning Center.

Stadium High School, 111 N. E Staut St., Tacoma, WA 98401. Community Placement, Grades 10-12, 500 Students.

Stewart Jr. High School, Box 1357, Tacoma, WA 98401. Re-Entry Program, Grades 9-12, 24 Students.

Walla Walla: Walla Walla H. S., 363 S. Park St., Walla Walla, WA 99362. Continuation School, Ages 15-20, 60 Students.

Wenatchee: Operation Future, Wenatchee Education Forum, 620 Lewis St., Wenatchee, WA 98801. Continuation School, Dropouts, Ages 15-23, 25 Students.

Yakima: The Place, Yakima School, District #7, 120 E. Walnut, Yakima, WA 98902. Learning Center, Dropout Prevention Center, Grades 9-12, 55 Students.

The Upstairs School, c/o Garfield School, 6th and Fairbanks Sts., Yakima, WA 98902. School for Pregnant Girls and Teenage Mothers, Grades 7-12, 39 Students.

Seattle: University Heights Alternative Program, 5031 University Way N.E., Seattle, WA 98105. School Within A School, Open School, Grades K-6.

WISCONSIN

Appleton: Appleton Public Schools, 120 E. Harris St., Appleton, WI 54911. Grades 7-12.

Beloit: Turner Middle School, 1231 Inman Parkway, Beloit, WI 53511. School Without Walls, Grades 6-8, 400 Students.

Green Bay: Bray City Alternative School, Green Bay, WI.

Kenosha: Evening High School, 8560 26th Ave., Kenosha, WI 53140. Continuation School.

Madison: City School, 210 S. Brooks, Madison, WI 53715. School Without Walls, Grades 9-12, 105 Students.

Malcom Shabazz High School, 314 N. Sherman Ave., Madison, WI 53704. School Without Walls, Grades 10-12, 160 Students.

Milwaukee: Liberty School, c/o Dr. Gordon Jensen, Dept. of Exceptional Education, P.O. Drawer 10K, Milwaukee, WI 53201. Grades 9-12, 120 Students.

Independent Learning Center, 1437 W. Lincoln Ave., Milwaukee, WI 53215. Continuation School, Grades 9-12, 50 Students.

Peckham Annex, 6725 W. Burleigh, Milwaukee, WI. Interest Oriented Learning Center, Grades 7-9, 470 Students.

South Side Community School, 2009 S. 19th St., Milwaukee, WI 53201.

Racine: Walden III, 620 Lake Ave., Racine, WI 53401. Open School, School Without Walls, Grades 11-12, 175 Students.

Wausau: Wausau Storefront Alternative Education Project, 406 Washington St., Wausau, WI 54401. Continuation School, Grades 9-12, 25 Students.

Wisconsin Rapids: New Way Learning Center, Inc., South Wood County Community Project, 321 West Grand Ave., Wisconsin Rapids, WI 54494. Learning Center, Ages 13-18, 30 Students.

WYOMING

Casper: Project Drop-In, Adult Learning Center, 340 S. Center St., Casper, WY. Continuation School, Grades 7-12, 134 Students.

Cheyenne: Cheyenne Alternative High School, Laramie County School District #1, 1810 Capitol Ave., Cheyenne, WY 82001. Multi-Cultural School/Continuation School, Grades 10-12, 50 Students.

Laramie: The Open School, P.O. Box 505, Laramie, WY 82070.

Riverton: PASCAL (Program to Attract, Satisfy, and Certify All Learners), 121 N. Fifth West, Riverton, WY 82501. Multi-Cultural School, Grades 7-12, 75 Students.

FOREIGN

BRITISH COLUMBIA

Langley: Alternative Learning Environment Program, 19740 32nd. Ave., Box 4000, Langley, British Columbia. Open School, 20 Students, Ages 14-17.

Vancouver: Prince of Wales Secondary School, 2250 Eddington Dr., Vancouver 8, British Columbia. Open School Within A School.

Vancouver City School, 550 W. 10th Ave., Vancouver 9, British Columbia. School Without Walls, Ages 9-17, 100 Students.

Total Education, 557 W. 12th Ave., Vancouver 9, British Columbia. Open School, Ages 13-22, 80 Students.

MANITOBA

St. Norbert: St. Norbert Community School, St. Norbert, Manitoba ROG 2HO. Open School School, Ages 5-11, 22 Students.

ONTARIO

Ottawa: Greenbank Senior School, 168 Greenbank Rd., Ottawa, Ontario K2H 5V2. School Within A School (5 Alternatives in One), Grades 7-8, 700 Students.

Downview, North York: MAGU (Multi-Aged Grouping Unit), Wilmington Avenue Public School, 200 Wilmington Ave., Downview, North York, Ontario. Non-graded Community Free School, Grades K-3, 120 Students.

Totonto: Contact School, 203 Oak St., Toronto, Ontario. Continuation for Dropouts, Age 14 and over, 50 Students.

School of Experimental Education (SEE), 28 High St., Toronto 18, Ontario. School Without Walls, Grades 11-13, 100 Students.

SEED (Shared Experiegce, Education & Discovery), YMWHA, 750 Spadina Ave., Toronto, Ontario. School Without Walls, Ages 13-20, 120 Students.

Willowdale: The Alternative & Independent Study Program, (A.I.S.P.), The Oakburn Administration Annex, 15 Oakburn Crescent, Willowdale, Ontario, M2N 2T5. Grades 11-13, Ages 15-19, 160 Students, Open School.

SASKATCHEWAN

Saskatoon: Radius, 524 7th Street East, Saskatoon, Saskatchewan. Continuation School, Ages 9-52, 120 Students.

Saskatoon Open School, King Edward School, 25th Street & 5th Ave., Saskatoon, Saskatchewan. Open School Within A School, Ages 5-12, 25 Students.

DENMARK

Det Frie Gymnasiet, Krogshojvij 53A, 2880 Bagsvaerd, Denmark.

ENGLAND

Countesthorpe, Leicester: Countesthorpe College, Winchester Rd., Countesthorpe, Leicester LE8 3PR England. Open Public Secondary School, Ages 11-14, 600 Students.

NORWAY

Forsöksgymnaset iBaerum, N-1340 Bekkestua, Norway, Public Free School, 16-19 years, 35 Students.

Forsöksgymnas iOslo, Akersgt. 73a, Oslo 1, Norway, Public Free School, 16-19 with a few up to 25 years, 180 Students.

SWEDEN

Göteborg: Experimentgymnasiet Göteborg, Odinsgatan 15-17, 41103 Goteborg, Sweden, Public Experimental School, 16-20, years old, 200 Students.

FOREIGN

PUERTO RICO

Barranquitas: El Porton-Positive Behavioral Changes Through Intensive Orientation, Barranquitas, Puerto Rico. Grades 1-6, 329 Students.

Guaynobo: Educational Opportunities Center at Buchanan (COEB), Guaynobo, Puerto Rico. Grades 9-12, 678 Students.

Hato Rey: Eugenio Maria De Hostos Cooperative, Non-Graded School, Teniente Cesar Gonzales Ave., Hato Rey, Puerto Rico 00918.

Special Educational Program for the Handicapped, Department of Education, Hato Rey, Puerto Rico 00919.

Mayaguez: Residential Center of Educational Opportunities at Mayaguey (CROEM), Box AX, Mayaguez, Puerto Rico 00708. Grades 11-12, 139 Students.

Rio Piedras: Special Program School, Puru St., Hyde Park, Rio Piedras, Puerto Rico 00928.